

**ERIE COUNTY LEGISLATURE
MEETING NO. 18
OCTOBER 11, 2007**

The Legislature was called to order by Chairperson Marinelli.

All members present.

An invocation was held led by Legislator Konst.

The Pledge of Allegiance was led by Legislator Whyte.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – Ms. WHYTE moved to approve the minutes for meetings 16 and 17 of 2007. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 –LOCKLEAR & MILLS presented a resolution Honoring Christian McKenzie on Achieving Eagle Scout.

Item 6 - MARINELLI & REYNOLDS presented a resolution Honoring Thurman Thomas of the Buffalo Bills for Being Inducted Into the Pro Football Hall of Fame.

Item 7 - MILLER-WILLIAMS & GRANT presented a resolution Honoring the 2007 Black Achievers Award Recipients.

Item 8 – MS. MARINELLI presented a resolution Recognizing October as National Domestic Violence Awareness Month in Erie County.

Item 9 – MS. LOCKLEAR presented a resolution In Memory of Jean (Adrion) Geitter.

Item 10 – MS. MARINELLI presented a resolution Honoring Susan Fayle as Buffalo/Amherst Business and Professional 2007 Woman of the Year.

Item 11 – MR. REYNOLDS presented a resolution Commending the Hamburg Chamber of Commerce Upon Its 80th Anniversary.

Item 12 – MR. REYNOLDS presented a resolution Recognizing 10/10/07 as Operation E.D.I.T.H. Day.

Item 13 – MS. WHYTE presented a resolution Recognizing 10/12/07 as Latino AIDS Awareness Day in WNY.

Item 14 – MS. IANNELLO presented a resolution In Memory of Edward J. Mahoney.

Item 15 - MS. IANNELLO presented a resolution Honoring All Professional Firefighters and Volunteer Firefighters During National Fire Prevention Week.

Item 16 – MR. KOZUB presented a resolution In Memory of Retired Lackawanna Police Detective Frank Rozwood.

MS. WHYTE moved to consider the above twelve items. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twelve items for Et Al Sponsorship. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the above twelve items as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 17 - CHAIRPERSON MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 - CHAIRPERSON MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 - CHAIRPERSON MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 21 - CHAIRPERSON MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the PERSONNEL COMMITTEE.

GRANTED.

Item 22 - CHAIRPERSON MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 – MS. IANNELLO moved to received and filed Local Law Intro No. 7 (Print #1) 2007. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

Item 24 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 25 - CHAIRPERSON MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 26 – MR. REYNOLDS moved to separate Item No. 2 and approve the balance of the report. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 238

OCTOBER 2, 2007

FINANCE & MANAGEMENT COMMITTEE
REPORT NO. 13

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WHYTE. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2M-7 (2007)
ECFSA: Resolutions Approved Unanimously by the ECFSA
(4-0)

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- b. INTRO 8-3 (2007)
IANNELLO & KONST: Capping the Use of 2006 Budget Surplus from Further Expenditure in 2007
(4-0)
- c. INTRO 11-1 (2007)
KONST: Temporary Use of Funds
(4-0)
- d. COMM. 13D-1 (2007)
BUDGET, MANAGEMENT & FINANCE: Copy of Letter to ECFSA Chair Re: RFP for the Tax Lien Sale
(4-0)
- e. COMM. 13D-3 (2007)
REAL PROPERTY TAX SERVICES: Erie County Hotel Occupancy Tax
(4-0)
- f. COMM. 14E-1 (2007)
COMPTROLLER: Erie County 2006 Comprehensive Annual Financial Report
(4-0)
- g. COMM. 14E-5 (2007)
COMPTROLLER: Supplement to the Comprehensive Annual Financial Report
(4-0)
- h. COMM. 14E-13 (2007)
COUNTY EXECUTIVE: Contract Regarding the Bulk Sale of County Tax Liens
(4-0)
- i. COMM. 14D-2 (2007)
PUBLIC WORKS: Debris/Towns
(4-0)
- j. COMM. 16E-3 (2007)
COUNTY EXECUTIVE: Copy of Letter to ECFSA Chair: Capital Borrowing
(4-0)
- k. COMM. 16E-4 (2007)
COMPTROLLER: Interim Financial Report - For the Six Months Ended June 30, 2007
(4-0)
- l. COMM. 16E-5 (2007)
COMPTROLLER: Erie County's 2008 Capital Obligation for ECMCC - Bond Resolution
(4-0)
- m. COMM. 16D-5 (2007)

BUDGET DIRECTOR: BMR for Period Ending 6/30/07
 (4-0)

n. COMM. 16D-12 (2007)

BUDGET DIRECTOR: XSPAND Contract
 (4-0)

o. COMM. 16D-13 (2007)

BUDGET DIRECTOR: BMR for Period Ending 7/30/07
 (4-0)

p. COMM. 16D-16 (2007)

BUDGET DIRECTOR: XSPAND Contract
 (4-0)

q. COMM. 17D-1 (2007)

BUDGET, MANAGEMENT & FINANCE: \$12.5 Million Sales Tax Revenue Sharing
 (4-0)

2. INTRO 5-1 (2007)

AS AMENDED

MILLS

WHEREAS, a resolution has been adopted by the Erie County Assessors' Association, as association representing all of the municipalities in Erie County, requesting a change in the taxable status date in the County of Erie; and

WHEREAS, the resolution states that the Erie County Tax Act (Tax Act) provides that the taxable status date of all real property in the County of Erie shall be fixed on the 1st day of May of each year for state, county, town and school district purposes of the ensuing county, town and school district fiscal year; and

WHEREAS, the Tax Act currently requires the following dates:

Valuation Date	May 1st
Taxable Status Date	May 1st
Tentative Roll Filed	May 24th
Grievance Day	1st Tuesday in June
Final Roll Filed	July 1st

WHEREAS, all of the counties in New York State, with the exception of Erie County, utilize the following dates:

Valuation Date	March 1st
Taxable Status Date	March 1st
Tentative Roll Filed	May 1st
Grievance Day	4th Tuesday in May
Final Roll Filed	July 1st

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature does hereby recognize the recommendation of the Erie County Assessors' Association related to the current taxable status date and the fact that only Erie County utilizes a different calendar than the rest of New York State; and be it further

RESOLVED, that this honorable body does hereby support a change in the Erie County Tax Act such that the date by which towns must file a certified final assessment roll with the county be changed to the first day in July; and be it further

RESOLVED, that this honorable body hereby directs the Office of the County Attorney to draft a local law for consideration and adoption by the Legislature that would effectuate this change and that it be in effect by January 1, 2009; and be it further

RESOLVED, that certified copies of this resolution be distributed to the County Attorney, the Director of Real Property Tax Services and to every Tax Assessor in Erie County.
 (4-0)

3. COMM. 17D-2 (2007) **AS AMENDED**
DIRECTOR OF REAL PROPERTY TAX SERVICES

WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigate the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 207298 through 207337 inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2007 Petition No. 207298
 ASSESSOR Refund \$362.97
 S-B-L269.16-1-24 145801 NORTH COLLINS

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$362.97 Town/SpecialDist/School

Charge To : 145801 NORTH COLLINS \$362.97

Relevy Village \$362.97 Village of NORTH COLLINS
 550(2) C Clerical Error - failed to apply veterans exemption in the amount of \$37,000. Village to issue refund.

FISCAL YEAR 2007 Petition No. 207299S-B-L56.20-13-1
 ASSESSOR Refund \$212.24

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142289 AMHERST

Charge To :

Acct. No. 112

Acct. No. 132

142289 AMHERST

\$0.00

\$212.24

County

Town/SpecialDist/School

\$212.24

Refund to be issued for 1 unit to James C. Welch.

Parcel charged for 2 but it should be 1.

550(2) E - incorrect number of units charged for garbage.

FISCAL YEAR 2006 Petition No. 207300S-B-L56.20-13-1

ASSESSOR Cancel \$199.86

142289 AMHERST

Acct. No. 112

Acct. No. 132

\$0.00

\$199.86

County

Town/SpecialDist/School

Charge To : 142289 AMHERST \$199.86 142289 AMHERST \$199.86

550(2) E - incorrect number of units charged for garbage.

Parcel charged for 2 but it should be 1.

Refund to be issued for 1 unit to James C. Welch.

FISCAL YEAR 2005 Petition No. 207301S-B-L56.20-13-1

ASSESSOR Refund \$194.70

142289 AMHERST

Charge To :

Acct. No. 112

Acct. No. 132

142289 AMHERST

\$0.00

\$194.70

County

Town/SpecialDist/School

\$194.70

Refund to be issued for 1 unit to James C. Welch.

Parcel charged for 2 but it should be 1.

550(2) E - incorrect number of units charged for garbage.

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FISCAL YEAR 2007 Petition No. 207302
ASSESSOR Refund \$75.18
S-B-L143.07-5-8 146800 WEST SENECA

Acct. No. 112 \$27.28 County
Acct. No. 132 \$47.90 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$47.90

RPTL 550(2) C - FAILED TO ACT ON DISABLED VETERANS EXEMPTION
CHECK TO: ROBERT SPEIDEL

FISCAL YEAR 2007 Petition No. 207304OWNER Cancel \$641.93
S-B-L 112.43-3-18 143001 SLOAN
Acct. No. 112 \$0.00 County
Acct. No. 132 \$641.93 Town/SpecialDist/School

Charge To : 143001 SLOAN \$641.93
NEW AMOUNT DUE: \$214.09
VILLAGE OF SLOAN TO ISSUE NEW TAX BILL TO JEROME JASZCZ
RPTL 550(2) B - ERROR IN COMPUTATION OF EXEMPTION
\$641.93Relevy Village Village of SLOAN

FISCAL YEAR 2005 Petition No. 207305OWNER Refund \$217.85
S-B-L multiple 143001 SLOAN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$217.85 Town/SpecialDist/School

Charge To : 143001 SLOAN \$217.85

Relevy Village \$217.85 Village of SLOAN
RPTL 550(2) B - ERROR IN COMPUTATION OF EXEMPTION
VILLAGE OF SLOAN TO ISSUE REFUNDS TO TAXPAYERS
FERRARO & GOSSELIN

FISCAL YEAR 2006 Petition No. 207306OWNER Refund \$1,591.03
S-B-L MULTIPLE 143001 SLOAN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,591.03 Town/SpecialDist/School

Charge To : 143001 SLOAN \$1,591.03

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Relevy Village \$1,591.03 Village of SLOAN
 RPTL 550(2) B - ERROR IN COMPUTATION OF EXEMPTION
 VILLAGE TO ISSUE REFUNDS TO: FERRARO, JASZCZ, HITCHCOCK, DARLAK,
 STOZEWSKI, GRAMZA, GOSSELIN, GRZEDZICKI

FISCAL YEAR 2007 Petition No. 207307OWNER Cancel \$960.63
 S-B-L MULTIPLE 143001 SLOAN
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$960.63 Town/SpecialDist/School

Charge To : 143001 SLOAN \$960.63 143001 SLOAN \$960.63

Relevy Village \$960.63 Village of SLOAN
 RPTL 550(2) B - ERROR IN COMPUTATION OF EXEMPTION
 VILLAGE TO ISSUE REFUNDS TO: FERRARO, HITCHCOCK, DARLACK
 STOZEWSKI, GRAMZA, GOSSELIN, GRZEDZICKI

FISCAL YEAR 2007 Petition No. 207308
 ASSESSOR Cancel \$113,836.15
 S-B-L160.12-3-1 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$113,836.15 Town/SpecialDist/School

Charge To : 146089 ORCHARD PARK \$113,836.15

Relevy School \$113,836.15 146001 ORCH PARK CENTRAL

RPTL 550(2) EXEMPTION CODE WAS REMOVED FROM FILE
 SCHOOL OWNED PROPERTY FULLY EXEMPT
 CANCELLED BY TOWN: NEW TAX BILL TO BE ISSUED

FISCAL YEAR 2007 Petition No. 207309

ASSESSOR Cancel \$537.14
 S-B-L152.13-1-39.1 146089 ORCHARD PARK

Charge To :
 Acct. No. 112
 Acct. No. 132
 146089 ORCHARD PARK
 \$0.00
 \$537.14

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County
 Town/SpecialDist/School
 \$537.14
 Relevy School \$537.14 146801 WEST SENECA CENT

RPTL 550 (2) C - FAILED TO ACT ON BASIC STAR EXEMPTION
 TOWN TO CANCEL AND ISSUE NEW SCHOOL TAX BILL
 TO: ANDREW J. WOLANIN

FISCAL YEAR 2007 Petition No. 207310
 ASSESSOR Cancel \$423.30
 S-B-L40.68-1-40./150A 142289 AMHERST
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$423.30 Town/SpecialDist/School

Charge To : 142289 AMHERST \$423.30
 Relevy School \$423.30 142207 SWEET HOME CENTRAL
 SUSAN M. SPADINGER
 IN THE AMOUNT OF 30,000. TOWN TO ISSUE NEW TAX BILL TO:
 RPTL 550 (2) C FAILED TO APPLY BASIC STAR EXEMPTION

FISCAL YEAR 2006 Petition No. 207311
 ASSESSOR Refund \$416.15
 S-B-L40.68-1-40./150A 142289 AMHERST

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$416.15 Town/SpecialDist/School

Charge To : 142289 AMHERST \$416.15

Relevy School \$416.15 142207 SWEET HOME CENTRAL

RPTL 550 (2) C FAILED TO APPLY BASIC STAR EXEMPTION
 IN THE AMOUNT OF 30,280
 REFUND TO BE ISSUED TO SUSAN M. SPADINGER

FISCAL YEAR 2005 Petition No. 207312
 ASSESSOR Refund \$446.38
 S-B-L40.68-1-40./150A 142289 AMHERST

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$446.38 Town/SpecialDist/School

Charge To : 142289 AMHERST \$446.38

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Relevy School \$446.38 142207 SWEET HOME CENTRAL

RPTL 550 (2) C FAILED TO APPLY BASIC STAR EXEMPTION
 IN THE AMOUNT OF 31,870. REFUND TO BE ISSUED TO
 SUSAN M. SPADINGER

FISCAL YEAR 2004 Petition No. 207313
 ASSESSOR Refund \$414.75
 S-B-L40.68-1-40./150A 142289 AMHERST
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$414.75 Town/SpecialDist/School

Charge To :
 Relevy School
 142289 AMHERST
 \$414.75 142207 SWEET HOME CENTRAL
 \$414.75
 SUSAN M. SPADINGER
 IN THE AMOUNT OF 30,000. REFUND TO BE ISSUED TO
 RPTL 550 (2) C FAILED TO APPLY BASIC STAR EXEMPTION
 FISCAL YEAR 2007 Petition No. 207314
 ASSESSOR Cancel \$746.72
 S-B-L42.05-2-10 142289 AMHERST

Charge To :
 Acct. No. 112
 Acct. No. 132
 Relevy School
 142289 AMHERST
 \$0.00
 \$746.72
 \$746.72
 County
 Town/SpecialDist/School
 142203 WILLIAMSVILLE CENT
 \$746.72
 NEW TAX BILL TO: MICHAEL & LYNN PITMAN
 IN THE AMOUNT OF 38,000. TOWN TO CANCEL AND ISSUE
 RTPL 550 (2) A - CLERICAL ERROR. WRONG A/V ON TAX BILL

FISCAL YEAR 2007 Petition No. 207315
 ASSESSOR Cancel \$589.51
 S-B-L80.11-5-31 142289 AMHERST

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Acct. No. 112 \$0.00 County
Acct. No. 132 \$589.51 Town/SpecialDist/School

Charge To : 142289 AMHERST \$589.51

Relevy School \$589.51 142203 WILLIAMSVILLE CENT

RPTL 550 (2) C FAILED TO APPLY BASIC STAR EXEMPTION
IN THE AMOUNT OF 30,000. TOWN TO CANCEL AND ISSUE
NEW TAX BILL TO: KEVIN & NANCY ERNST

FISCAL YEAR 2007 Petition No. 207316
ASSESSOR Cancel \$589.35
S-B-L68.15-10-16 142289 AMHERST
Acct. No. 112 \$0.00 County
Acct. No. 132 \$589.35 Town/SpecialDist/School

Charge To : 142289 AMHERST \$589.35 142289 AMHERST \$589.35

Relevy School \$589.35 142201 AMHERST CENTRAL

RPTL 550 (2) C FAILED TO APPLY BASIC STAR EXEMPTION
IN THE AMOUNT OF 30,000. TOWN TO CANCEL & ISSUE
NEW TAX BILL TO:MARGARET & ERIC PIERCE

FISCAL YEAR 2007 Petition No. 207318
ASSESSOR Cancel \$589.51
S-B-L68.15-5-7 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$589.51 Town/SpecialDist/School

Charge To : 142289 AMHERST \$589.51

Relevy School \$589.51 142203 WILLIAMSVILLE CENT

RPTL 550 (2) C FAILED TO APPLY BASIC STAR EXEMPTION
IN THE AMOUNT OF 30,000. TOWN TO CANCEL & ISSUE
NEW TAX BILL TO: MATTHEW & JESSICA DISNEY

FISCAL YEAR 2007 Petition No. 207319
ASSESSOR Cancel \$2,442.56
S-B-L80.08-3-45 142201 WILLIAMSVILLE

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Acct. No. 112 \$0.00 County
Acct. No. 132 \$2,442.56 Town/SpecialDist/School

Charge To : 142201 WILLIAMSVILLE \$2,442.56

Relevy School \$2,442.56 142203 WILLIAMSVILLE CENT

RPTL 550 (2) C FAILED TO APPLY SENIOR & ENHANCED STAR EXEMPTION
IN THE AMOUNTS OF 67,500 & 56,800. NEW TAX BILL TO BE ISSUED
TO: BONITA PITTS

FISCAL YEAR 2007 Petition No. 207320
ASSESSOR Cancel \$1,587.76
S-B-L81.06-1-6 142201 WILLIAMSVILLE
Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,587.76 Town/SpecialDist/School

Charge To : 142201 WILLIAMSVILLE \$1,587.76 142201 WILLIAMSVILLE \$1,587.76

Relevy School \$1,587.76 142203 WILLIAMSVILLE CENT

RPTL 550 (2) C - CLERICAL ERROR, FAILED TO APPLY SENIOR & ENHANCED
STAR EXEMPTIONS. NEW TAX BILL TO BE ISSUED TO:
MARIAN R. DYE

FISCAL YEAR 2007 Petition No. 207321
ASSESSOR Cancel \$952.43
S-B-L40.18-3-2 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$952.43 Town/SpecialDist/School

Charge To : 142289 AMHERST \$952.43

Relevy School \$952.43 142207 SWEET HOME CENTRAL

RPTL 550(2) C CLERICAL ERROR - FAILED TO APPLY SENIOR EXEMPTION
IN THE AMOUNT OF 67,500. NEW TAX BILL TO BE ISSUED TO
NANCY DELANEY

FISCAL YEAR 2007 Petition No. 207322
ASSESSOR Cancel \$215.89
S-B-L54.15-1-17.11 142289 AMHERST
Charge To :

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Acct. No. 112
 Acct. No. 132
 Relevy School
 142289 AMHERST

\$0.00
 \$215.89
 \$215.89

County
 Town/SpecialDist/School
 142207 SWEET HOME CENTRAL

\$215.89
 SUSAN HOLT

ISSUE A NEW TAX BILL FOR CORRECT AMOUNT TO:
 RPTL 550 (2) A - WRONG ASSESSED VALUE APPEARED ON TAX ROLL

FISCAL YEAR 2007 Petition No. 207323
 ASSESSOR Cancel \$2,570.30
 S-B-L56.18-2-32 142289 AMHERST
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$2,570.30 Town/SpecialDist/School

Charge To : 142289 AMHERST \$2,570.30 142289 AMHERST \$2,570.30

Relevy School \$2,570.30 142203 WILLIAMSVILLE CENT
 RPTL 550(2) C - CLERICAL ERROR - FAILED TO APPLY SENIOR AND ENH. STAR

EXEMPTIONS ON TAX ROLL. NEW BILL TO BE ISSUED TO:
 CHESTER & VIRGINIA CICHOCKI

FISCAL YEAR 2007 Petition No. 207324S-B-L57.13-5-1./8
 ASSESSOR Cancel \$499.12
 142289 AMHERST

Charge To :
 Acct. No. 112
 Acct. No. 132
 Relevy School
 142289 AMHERST

\$0.00
 \$499.12
 \$499.12

County
 Town/SpecialDist/School
 142203 WILLIAMSVILLE CENT

\$499.12
 NEW BILL TO BE ISSUED TO: PAMELA J. WILLIAMS

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RPTL 550(2) A - CLERICAL ERROR, WRONG A/V ON TAX ROLL

FISCAL YEAR 2007 Petition No. 207325S-B-L69.20-4-24

ASSESSOR Cancel \$1,116.15

142289 AMHERST

Charge To :

Acct. No. 112

Acct. No. 132

Relevy School

142289 AMHERST

\$0.00

\$1,116.15

\$1,116.15

County

Town/SpecialDist/School

142201 AMHERST CENTRAL

\$1,116.15

NEW TAX BILL TO BE ISSUED TO: LOUISE M. INFANTI

RPTL 550(2) C - CLERICAL ERROR - FAILED TO APPLY ENH. STAR

FISCAL YEAR 2007 Petition No. 207326

ASSESSOR Cancel \$1,115.84

S-B-L80.10-9-42 142289 AMHERST

Acct. No. 112 \$0.00 County

Acct. No. 132 \$1,115.84 Town/SpecialDist/School

Charge To : 142289 AMHERST \$1,115.84 142289 AMHERST \$1,115.84

Relevy School \$1,115.84 142201 AMHERST CENTRAL

RPTL 550(2) C - CLERICAL ERROR - FAILED TO APPLY ENH. STAR

NEW TAX BILL TO BE ISSUED TO: JAMES & ALICE McARTNEY

FISCAL YEAR 2007 Petition No. 207327S-B-L82.05-4-7

ASSESSOR Cancel \$2,015.77

142289 AMHERST

Charge To :

Acct. No. 112

Acct. No. 132

Relevy School

142289 AMHERST

\$0.00

\$2,015.77

\$2,015.77

County

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Town/SpecialDist/School
 143201 CLARENCE CENTRAL
 \$2,015.77
 FRANK & ROSEMARIE CALVANESO
 ENH. STAR. NEW TAX BILL TO BE ISSUED TO:
 RPTL 550(2) C - CLERICAL ERROR - FAILED TO APPLY SENIOR AND

FISCAL YEAR 2007 Petition No. 207328

ASSESSOR Cancel \$469.09
 S-B-L129.09-18-1/016 143089 CHEEKTOWAGA

Charge To :
 Acct. No. 112
 Acct. No. 132
 143089 CHEEKTOWAGA
 \$0.00
 \$469.09

County
 Town/SpecialDist/School
 \$469.09
 Relevy School \$469.09 146801 WEST SENECA CENT

RPTL 550(2) F DUPLICATE PARCEL WITH DIFFERENT SBL
 DUPLICATE BILL FOR PARCEL, CANCEL ENTIRE AMOUNT.
 HICKORY GROVE VILLAGE

FISCAL YEAR 2007 Petition No. 207329
 ASSESSOR Cancel \$1,994.04
 S-B-L125.06-14-18 143089 CHEEKTOWAGA
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,994.04 Town/SpecialDist/School

Charge To : 143089 CHEEKTOWAGA \$1,994.04
 Relevy School \$1,994.04 146801 WEST SENECA CENT
 RICHARD & JEAN BAVISOTTO
 ENH. STAR EXEMPTIONS. NEW BILL TO BE ISSUED TO:
 RPTL 550 (2) C CLERICAL ERROR FAILED TO APPLY AGED AND

FISCAL YEAR 2007 Petition No. 207330
 ASSESSOR Cancel \$726.39
 S-B-L91.06-19-29 143089 CHEEKTOWAGA

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Acct. No. 112 \$0.00 County
Acct. No. 132 \$726.39 Town/SpecialDist/School

Charge To : 143089 CHEEKTOWAGA \$726.39

Relevy School \$726.39 143003 CHEEK. UNION #3

RPTL 550 (2) C - CLERICAL ERROR - FAILED TO APPLY BASIC STAR
NEW TAX BILL TO BE ISSUED TO: MICHAEL THAUER &
KIRSTAN CEDERMAN

FISCAL YEAR 2007 Petition No. 207331
ASSESSOR Cancel \$726.40
S-B-L80.17-14-19 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$726.40 Town/SpecialDist/School

Charge To : 143089 CHEEKTOWAGA \$726.40

Relevy School \$726.40 143003 CHEEK. UNION #3

RPTL 550 (2) C - CLERICAL ERROR - FAILED TO APPLY BASIC STAR
NEW TAX BILL TO BE ISSUED TO: LESLIE POTTS

FISCAL YEAR 2006 Petition No. 207332
ASSESSOR Refund \$768.79
S-B-L80.17-14-19 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$768.79 Town/SpecialDist/School

Charge To : 143089 CHEEKTOWAGA \$768.79
Relevy School \$768.79 143003 CHEEK. UNION #3
PAYEE: LESLIE POTTS
REFUND TO BE ISSUED BASED ON 19,500 EXEMPTION
RPTL 550 (2) C - CLERICAL ERROR, FAILED TO APPLY BASIC STAR

FISCAL YEAR 2007 Petition No. 207333
ASSESSOR Cancel \$1,125.09
S-B-L103.76-6-11.1 143003 DEPEW

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,125.09 Town/SpecialDist/School

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Charge To : 143003 DEPEW \$1,125.09

Relevy School \$1,125.09 143007 DEPEW UNION-CHEEK

RPTL 550(2) C - CLERICAL ERROR, FAILED TO APPLY ENH. STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: ARTHUR & CAROL MAPES

FISCAL YEAR 2007 Petition No. 207334
ASSESSOR Cancel \$509.76
S-B-L101.28-6-5 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$509.76 Town/SpecialDist/School

Charge To : 143089 CHEEKTOWAGA \$509.76

Relevy School \$509.76 143001 CHEEKTO. CENTRAL

RPTL 550(2) C - CLERICAL ERROR - FAILED TO APPLY BASIC STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: GORDON LUTHER

FISCAL YEAR 2007 Petition No. 207335
ASSESSOR Cancel \$470.33
S-B-L116.05-2-38 145289 LANCASTER
Acct. No. 112 \$0.00 County
Acct. No. 132 \$470.33 Town/SpecialDist/School

Charge To : 145289 LANCASTER
Relevy School \$470.33
\$470.33
145201 LANCASTER CENTRAL
NEW TAX BILL TO BE ISSUED TO: MARY ANN SLIWINSKI
RPTL 550 (2) C - CLERICAL ERROR - FAILED TO APPLY BASIC STAR

FISCAL YEAR 2007 Petition No. 207336

ASSESSOR Cancel \$573.45
S-B-L196.02-2-19 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County
Acct. No. 132 \$573.45 Town/SpecialDist/School

Charge To : 146089 ORCHARD PARK \$573.45

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Relevy School \$573.45 146001 ORCH PARK CENTRAL

RTPL 550(2) C - CLERICAL ERROR, FAILED TO APPLY SR/AGED EXEMPTION
 TOWN TO ISSUE REFUND FOR SCHOOL TAXES PAID ON THIS AMOUNT
 REFUND TO: HOWARD E. BROWN

FISCAL YEAR 2007 Petition No. 207337S-B-L21.00-2-44.212

ASSESSOR Cancel \$2,278.10

145689 NEWSTEAD

Charge To :

Acct. No. 112

Acct. No. 132

Relevy School

145689 NEWSTEAD

\$0.00

\$2,278.10

\$2,278.10

County

Town/SpecialDist/School

145601 AKRON CENTRAL

\$2,278.10

(4-0)

ROBERT B. REYNOLDS
CHAIRPERSON

Item 27 – MS. KONST presented the following report, moved to separate Item No. 3 and approve the balance of the report. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 239

OCTOBER 2, 2007

PERSONNEL COMMITTEE
 REPORT NO. 9

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 14E-4 (2007)
KONST: Copy of Letter to Personnel Commissioner Re: Changes to Personnel in the Erie County Budget
 (4-0)

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2. COMM. 13E-21 (2007)
COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department is responsible for the monitoring of vaccine rates and vaccine preventable diseases in Erie County, and

WHEREAS, the Erie County Health Department has been awarded an IAP grant by the New York State Department of Health to support vaccine promotion, education, policies, outreach and leadership, and

WHEREAS, the position of Immunization Specialist is fully funded by the IAP grant, and

WHEREAS, an increase in the responsibilities of the Immunization Specialist position, including additional assignment of work, review of work, grant work plan and budget development, leadership via the WNY Pediatric and Adolescent Coalition and active member in the WNY Adult Coalition, serving seven Western New York counties, and

WHEREAS, in order to efficiently meet program mandates it is necessary to implement staffing adjustments within the Office of Epidemiology and Surveillance by upgrading the Immunization Specialist (position number 4772) from N2, Step 10, to N3, Step 10, as indicated on B100 number 3073, and

WHEREAS, available balances within the grant will be utilized to fund this request.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the upgrade of the Immunization Specialist (position number 4772) from N2, Step 10, to N3, Step 10, as indicated on B100 number 3073, and be it further

RESOLVED, that available balances within the grant budget will be utilized to fund this request, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law. (3-1) Legislator Konst voted in the negative.

3. COMM. 14E-14 (2007)
COUNTY EXECUTIVE

WHEREAS, on April 24, 2007 the Erie County Legislature adopted the Framework for Regional Growth (the "Framework") to serve as the guiding policy document concerning land use decisions throughout Erie County; and

WHEREAS, The Framework identifies the establishment of an Erie County Planning Board as an important first step in implementing the policies set forth therein; and

WHEREAS, the need to implement the planning policies contained in the Framework, cannot be sustained by the Department at current staffing levels; and

WHEREAS, the creation and operation of the proposed Erie County Planning Board will require dedication of staff to support the various functions of the Planning Board; and

WHEREAS, the State of New York mandates that Planning functions for GML 239, agricultural districts and many SEQR requirements be performed at the County level; and

WHEREAS, implementation of the Regional Framework support of the Planning Board requires professional planning staff specifically dedicated to those duties and State mandated planning functions.

NOW, THEREFORE, BE IT

RESOLVED, that the operating fund budget for the Department of Environment and Planning be revised to reflect the funding of two (2) Planners (B100 #0000003096) and two (2) Junior Planners positions (B100 #0000003097) as follows:

<u>FUND</u>	<u>Cost Center</u>	<u>GL</u>	
110	1620060	500000	26,040.65
110	1335010	516000	(26,040.65)

and be it further

RESOLVED, that the position of Special Projects Coordinator is hereby deleted from the budget for the Department of Environment and Planning; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the Director of the Division of Budget, Management, and Finance; the Commissioner of Personnel; and the County Attorney.

(4-0)

4. COMM. 14E-26 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a revised grant from the New York State Health Department in the amount of \$220,542.00 for the period 10/1/06 - 9/30/07, with an option for two one-year extensions, and

WHEREAS, over 300,000 people in the United States die of causes directly related to smoking and most smokers start using tobacco before the age of eighteen, and

WHEREAS, the Health Department's Environmental Health Unit is responsible for the enforcement of the New York State Clean Indoor Air Act that prohibits smoking in most public

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indoor places and the New York State Adolescence Tobacco Use and Prevention Act that prohibits the sale of tobacco products to persons under the age of eighteen, and

WHEREAS, this revised grant authorizes the creation of one full-time position of Investigating Public Health Sanitarian, JG: VIII, Step 0, as indicated on B100 control number 3102, and

WHEREAS, this revised grant also authorizes the deletion of two (2) vacant part time positions of Enforcement Officer, JG XV, as indicated on B100 control number 3102, to more efficiently manage the increased requirements of the grant.

NOW, THEREFORE, BE IT

RESOLVED, that one full time position of Investigating Public Health Sanitarian, JG VIII is hereby created as indicated on B100 control number 3102.

The following personnel detail is hereby submitted:

TITLE: Investigating Public Health Sanitarian	
JG VIII	FUNDING: 100% NYSDOH
STEP: 0	CIVIL SERVICE: Yes
ANNUAL SALARY: \$32,841	CIVIL SERVICE LIST: Yes
ANNUAL BENEFITS: \$13,465	

and be it further

RESOLVED, that two (2) vacant part time positions of Enforcement Officer JG XV, position numbers 51004257 and 510004258 are hereby deleted as indicated on B100 control number 3102, and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Department of Health, the Department of Personnel, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Law.

(3-1) Legislator Konst voted in the negative.

KATHY KONST
CHAIRPERSON

CHAIRPERSON MARINELLI directed that Item No. 3 be returned to the PERSONNEL COMMITTEE for further consideration.

GRANTED.

Item 28 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 240

OCTOBER 18, 2007

HUMAN SERVICES COMMITTEE
REPORT NO. 11

ALL MEMBERS PRESENT.

ALL ITEMS ARE HEREBY TABLED.

**THOMAS J. MAZUR
CHAIRMAN**

Item 29 – MS. IANNELLO presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 241

OCTOBER 4, 2007

COMMUNITY ENRICHMENT COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 6M-8 (2007)
BUFFALO-NIAGARA CVB: Buffalo Architecutre & Art Destination Marketing Initiative Six-Month Report
(3-0)
2. COMM. 16E-17 (2007)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature does hereby confirm the appointment of Ernestine Green to the Erie County College Board of Trustees.
(3-0)
3. COMM. 16E-18 (2007)
COUNTY EXECUTIVE
WHEREAS, Erie Community College (ECC), and the Administrators Association of Erie Community College (AAECC) have negotiated a successor agreement to the collective bargaining agreement between the AAECC, ECC, and the County of Erie which expired August 31, 2007; and

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WHEREAS, after several months of negotiations a tentative agreement on a four year contract has been reached; and

WHEREAS, such four year agreement will be effective September 1, 2007 and extend until August 31, 2011; and

WHEREAS, the Interim President of ECC discussed the major elements of the new contract such as 3% pay raises for each year of the contract, changes to sick leave accruals and health care contributions for new employees; changes to the early retirement incentive, changes in health care contributions for RPT employees and inclusion of an ethics statement; and

WHEREAS, the agreed to contract elements will be incorporated into the final contract for approval; and

WHEREAS, the terms of the new contract have been ratified by members of the AAECC on August 14, 2007 and approval by the Board of Trustees of Erie Community College on August 29, 2007 (copy of ECC Board of Trustees Resolution attached).

NOW, THEREFORE, BE IT

RESOLVED, that the ECC Board of Trustees supports the four year contract agreement and approved the ECC Chairman of the Board and ECC Interim President signing the final contract document; and be it further

RESOLVED, that the agreed to contractual changes are incorporated into a successor agreement effective September 1, 2007 except as otherwise specified and agreed to and shall remain in full force until August 31, 2011; and be it finally

RESOLVED, that certified copies of this resolution be forwarded to the Erie Community College, Erie County Fiscal Stability Authority, Erie County Attorney, Erie County Director of Labor Relations and Erie County Budget Director for review and approval as necessary.

(3-0)

**MICHELE M. IANNELLO
CHAIRPERSON**

Item 30 – MR. KENNEDY presented the following report, moved to separate Item No. 3 and approve the balance of the report. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 242

OCTOBER 4, 2007

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 9-3 (2007)
WHYTE & KENNEDY: Green Standards for Public Buildings
 (5-0)
 - b. INTRO 9-7 (2007)
WHYTE & KENNEDY: Purchase of Energy Efficient Products
 (5-0)
 - c. COMM. 14E-19 (2007)
COUNTY EXECUTIVE: DPW - Division of Highways - Response to NYS DOT Bridge Inspections with Yellow & Red Flagged Conditions of County Bridges
 (5-0)
 - d. COMM. 16D-17 (2007)
PUBLIC WORKS: Notice from Town of Sardinia - Poor Conditions of County Roads
 (5-0)

2. COMM. 14E-20 (2007)
COUNTY EXECUTIVE
 WHEREAS, your Honorable Body previously authorized the County Executive to enter into a General Architectural/Engineering Contract for providing security consulting services on County projects with TranSystems (previously SecuraComm), and

WHEREAS, the Erie County Sheriff has asked the Department of Public Works to provide additional security cameras and associated electronic equipment to meet increasing demands for security in the Holding Center, and

WHEREAS, your Honorable Body previously approved term agreements for various engineering services, including; building design, environmental consulting, asbestos abatement consulting and monitoring, construction inspection and miscellaneous other work.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to issue an amendment to the existing agreement to TranSystems to prepare contract documents for the additional security cameras and related equipment for an amount not to exceed \$36,000.00, and be it further

RESOLVED, that since not all Term Agreements have been used, that these Term Agreements for various architectural and engineering services, including: building design, studies, environmental consulting, asbestos abatement consulting and monitoring, construction inspection and miscellaneous other work, be extended through July 14, 2008, and be it further

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RESOLVED, that the Comptroller be authorized to make payment for all of the above from SAP Project A.00086 – 2003 Security Improvements for an amount not to exceed \$36,000.00, and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance and the Office of the Comptroller.

(5-0)

3. COMM. 14E-36 (2007) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Sheriff's Department is using the Yankee Building in Alden to house additional inmates due to the overcrowding conditions in the Correctional Facility, and

WHEREAS, the New York State Commission of Corrections has cited the Sheriff's Department for improper security conditions in the Yankee Building, and

WHEREAS, the New York State Commission of Corrections gave the County until May 2007 to alleviate the improper security conditions, and

WHEREAS, the New York State Commission of Corrections approved the County's schedule and security window replacement design at their meeting on June 19, 2007, and

WHEREAS, the Department of Public Works immediately advertised the project for bids, with bids being received by the Commissioner of Public Works on July 12, 2007, and

WHEREAS, the last legislative meeting prior to summer recess is July 26, 2007, and

WHEREAS, the Department of Public Works is requesting approval from your Honorable Body that the County Executive be authorized to enter into contracts with the lowest responsible bidder as follows:

GENERAL CONSTRUCTION WORK

Flower City Glass
 Base Bid: \$646,142.00

ELECTRICAL WORK

No bids received _____

Total award of contracts: \$646,142.00

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts with the lowest responsible bidders for an amount not to exceed \$646,142.00, and be it further,

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RESOLVED, that the sum of \$3,858.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the contingency, and be it further,

RESOLVED, that deduct change orders will result in these funds being returned to the contingency funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the following accounts:

A.00075	'03 Correctional Facility Improvements	\$291,099.00
A.00042	'02 Improvements to Various County Buildings	\$300,000.00
A.00116	Asbestos Abatement-Variou County Buildings	\$ 29,361.00
A.00051	'02 Asbestos Abatement	<u>\$ 29,540.00</u>
	Total Payments:	\$650,000.00

and be it further,

RESOLVED, that the approval of this Award is conditional upon inclusion in the contract with Flower City Glass, that is abide by the provisions of Local Law 2-2006, "The Erie County Worker Training Program:, except that the Rules and Regulations Adopted by the Erie County Commissioner of Public Works regarding Local Law 2-2006, Section 2(d) and 2(f) are not applicable to this contract; and be it further

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.
(4-1) Legislator Mills in the negative.

4. **INTRO 16-3 (2007) AS AMENDED**
REYNOLDS, MARINELLI, GRANT, LOCKLEAR, KONST, KOZUB, LOUGHRAN
and MILLS

WHEREAS, the County of Erie finds that power generation from polluting, non-renewable resources, such as oil and coal, has resulted in serious human health impairment, such as heart and lung disease, and negative impacts on wildlife, plants and the natural environment, including acid rain and urban smog, and additionally, fossil fuel dependence has become a factor in conflicts over the world's diminishing non-renewable resources; and

WHEREAS, the County of Erie realizes that energy conservation has not been used to its fullest as a strategy to reduce the serious negative impacts caused by fossil fuels used for energy conservation; and

WHEREAS, the County of Erie recognizes that the use of clean, renewable energy sources, such as solar energy, has many benefits including in-state and in-county production opportunities such as use of local solar technology manufacturers and installers, minimal environmental impacts, increased income for local, in-state and in-county producers and retailers, economic development support, and dramatic air quality improvements; and

WHEREAS, the State has amended the Tax Law, in relation to exempting the sale and installation of residential solar energy systems equipment from state sales and compensating use taxes and granting municipalities the option to elect such exemption from their sales and compensating use taxes; and

WHEREAS, this Legislature desires to encourage the purchase and installation of such residential solar energy systems equipment in order to promote the use of renewable energy sources and decreased reliance on fossil fuels in an effort to protect the environment;

WHEREAS, this Legislature wishes to explore the effectiveness and fiscal implications of the local sales and compensating use tax exemption on the sale and installation of residential solar energy systems equipment on promoting those goals.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature does hereby express its support of the increased use of solar energy, as a clean, renewable source of power; and be it further

RESOLVED, the Finance & Management Committee is hereby directed to hold a meeting with interested parties to discuss the possibility of Erie County exempting the local sales and compensating use tax on the sale and installation of residential solar energy systems equipment; and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to send certified copies of this resolution to the County Executive, Budget Director, the Commissioner of Environment and Planning and other interested parties.

(5-0)

5. COMM 16E-31 (2007)

COUNTY EXECUTIVE

WHEREAS, in the 1930's or 40's, the State of New York installed a small cast iron sign on the side of the Old Eden-Evans Center Road; and

WHEREAS, the sign simply states; "Evans Center" and below, in small letters, "N.Y. State Highway" and is now owned by Erie County; and

WHEREAS, the Town of Evans Historical Society, has requested permission to relocate the sign to the grounds of their 1857 School House Museum in Evans Center at the intersection of Route 5 and North Main Street; and

WHEREAS, the sign no longer serves any purpose as a traffic control device.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to transfer ownership of the subject sign, and be it further,

RESOLVED, that the County Attorney be directed to prepare the necessary documents to transfer ownership of the sign to the Evans Historical Society, and be it further,

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive; the Division of Budget, Management & Finance, the County Attorney, the Office of the Comptroller; and to the Evans Historical Society.

(5-0)

6. COMM. 16E-40 (2007)
COUNTY EXECUTIVE

WHEREAS, Seneca Street Special Needs, L.P. and SSSN Housing Development Fund Company, Inc. is developing housing for very-low and low- income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the project is located at 1603 Seneca Street in the City of Buffalo, New York, to contain 75 single room occupancy units for persons with a mental illness and other disabilities that need assistance with one or more daily living skills in order to live independently; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Seneca Street Special Needs, L.P. and SSSN Housing Development Fund Company to operate the apartment complex it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Seneca Street Special Needs, L.P. and SSSN Housing Development Fund Company relating to the Seneca Street Special Needs SRO and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes dues as set forth on Schedule B attached hereto. Payment under the Agreement will be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget, Management, and Finance; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

(5-0)

**TIMOTHY M. KENNEDY
CHAIRMAN**

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MR. KENNEDY moved to approve Item No. 3. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Item 31 – MR. KOZUB presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 243

OCTOBER 4, 2007

PUBLIC SAFETY COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 12M-10 (2007)
FIRE ADVISORY BOARD: Board Minutes
 (5-0)
 - b. COMM. 13D-6 (2007)
CENTRAL POLICE SERVICES: Response to Comptroller's Audit
 (5-0)
 - c. COMM. 14E-6 (2007)
COUNTY EXECUTIVE: Statements by County Executive Giambra on the Status of County Roadwork Projects
 (5-0)
 - d. COMM. 14D-5 (2007)
PUBLIC WORKS: Closing County Roads & Bridges
 (5-0)
 - e. COMM. 16D-14 (2007)
ECC: ECC Law Enforcement/Police Academy
 (5-0)
 - f. COMM. 17M-2 (2007)
FIRE ADVISORY BOARD: Request for Restoration of Position of Commissioner of Emergency Services
 (5-0)
2. COMM. 14E-32 (2007)
COUNTY EXECUTIVE

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WHEREAS, the Erie County Central Police Services has been awarded a U.S. Department of Justice Project Safe Neighborhoods grant to be administered via the Community Foundation for Greater Buffalo; and

WHEREAS, said funds will enable the Central Police Services to assist the Buffalo Police Department crime analysis projects.

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$20,000 with the Community Foundation for Greater Buffalo on behalf of the US Department of Justice, and be it further

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund- SAP 165CFFGB0707
Central Police Services- 07/01/07 to 12/31/07

<u>Revenue</u>	<u>Increase</u>
Acct. 479100 Other – Local Source	\$20,000
	<u>Appropriation</u>
Account 516020 Prof. Services Contracts	\$20,000
Total Appropriation	\$20,000

and be it further

RESOLVED, that authorization is hereby provided to issue a purchase order to Globalquest Solutions, Inc., a local WBE/New York State contract vendor, to provide the technical staff for this project, and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with Federally approved funding levels, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Department of Central Police Services.

(5-0)

3. COMM. 14E-34 (2007)

COUNTY EXECUTIVE

WHEREAS, the New York State Division of Probation and Correctional Alternatives (DPCA) has awarded \$68,900 to the Erie County Probation Department for the purpose of Enhanced Supervision Services Program for levels 2 and 3 sex offenders, and

WHEREAS, the funds will be used to establish an ongoing Enhanced Supervision Program for levels 2 and 3 sex offenders wherein the Department enhances supervision by collecting DNA, doing additional field work, home visits and quarterly confirms the address of the offender as required by the SORA Act. The Department will also have to train staff in assessments through sex offender-specific instruction.

WHEREAS, these funds will reduce the cost to the Erie County Probation Department of staff currently working with the sex offender population.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to accept an award from the New York State Division of Probation and Correctional Alternatives (DPCA) in the amount of \$68,900 for the period of April 1, 2007 through March 31, 2008, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Department of Probation, the Erie County Division of Purchase, the Division of Budget, Management and Finance and the Office of the Comptroller.
 (5-0)

4. COMM. 14E-41 (2007)

COUNTY EXECUTIVE

WHEREAS, since 2004 Erie County has been a participant in the Department of Homeland Security (DHS) Grant Program receiving funding under their State Homeland Security Program (SHSP), and

WHEREAS, in 2007, DHS awarded Erie County \$ 694,300 in SHSP funding, and

WHEREAS, this grant funding will continue the work of building sustainable capacity to prevent, respond to and recover from acts of terrorism, threats of terrorism or natural disasters in this region.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the State of New York Office of Homeland Security (OHS) to accept \$ 694,300 in SHSP funds, and be it further

RESOLVED, that the County Executive is authorized to enter into agreements with various municipalities, vendors, contractors and/or consultants as called for in the SHSP Grant for the provision of services, supplies and equipment as necessary for program implementation, and be it further

RESOLVED, that authorization is hereby provided to establish the grant budget as follows:

Department of Central Police/Emergency Services
Grant: HS167SHSP060708

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<u>Revenue</u>	<u>Increase</u>
Acct. 409000 State Aid	\$694,300

<u>Appropriations</u>	<u>Increase</u>
Acct. 500000 Personnel	\$ 68,663
Acct. 501000 Overtime	24,465
Acct. 502000 Fringe Benefits	20,000
Acct. 505000 Office Supplies	6,943
Acct. 510100 Out of Area Travel	13,886
Acct. 516020 Prof. Services Contracts	45,000
Acct. 561410 Lab & Tech. Equipment	<u>\$515,343</u>

Total Appropriations **\$694,300**

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to facilitate the implementation of this grant, and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to prepare and provide certified copies of this resolution to the Erie County Executive; the Office of the Comptroller, the Division of Budget and Management and the Department of Central Police/Emergency Services.

(5-0)

5. COMM. 16E-41 (2007)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Erie County Fire Advisory Board:

<u>NAME</u>	<u>TERM EXPIRATION</u>
Brian Murphy 16 Churchill Street Akron, New York 14001	December 31, 2007

(5-0)

**DANIEL M. KOZUB
CHAIRMAN**

Item 32 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 244

OCTOBER 4, 2007

GOVERNMENT AFFAIRS COMMITTEE

REPORT NO. 12

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and referred to the PERSONNEL COMMITTEE:
 - a. INTRO 1-4 (2007)
IANNELLO: Resolution Regarding Wireless Phones
(5-0)
2. RESOLVED, the following item is hereby received and referred to the ENERGY & ENVIRONMENT COMMITTEE:
 - a. COMM. 14M-5 (2007)
BUFFALO OLMSTED PARKS CONSERVANCY: Park Permit and Related Fees
(5-0)
3. RESOLVED, the following items are received and filed:
 - a. INTRO 1-1 (2007)
KONST, IANNELLO, LOCKLEAR, REYNOLDS & LOUGHRAN: Twenty-Four Hour County Vehicles
(5-0)
 - b. COMM. 6M-6 (2007)
ERIE COUNTY DIRECTOR - WESTERN REGION OTB: Request to Present Western Region OTB Update to Legislature
(5-0)
 - c. COMM. 7M-10 (2007)
NYSAC: Comptroller Opinion on Election Chargebacks
(5-0)
 - d. COMM. 8M-1 (2007)
SHARON S. TOWNSEND, ADMINISTRATIVE JUDGE - EIGHTH JUDICIAL DISTRICT: Family Court Building
(5-0)
 - e. COMM. 9M-8 (2007)
BUFFALO URBAN DEVELOPMENT CORPORATION: 2006 Annual Report
(5-0)
 - f. COMM. 9M-12 (2007)
NYSAC: NYS Commission on Local Government Efficiency & Competitiveness
(5-0)

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- g. INTRO 10-6 (2007)
WHYTE: Establishment of Neighborhood Empowerment Teams
(5-0)
- h. INTRO 11-3 (2007)
REYNOLDS, MARINELLI, WHYTE & KENNEDY: In Support of the Employee Free Choice Act
(5-0)
- i. COMM. 11D-9 (2007)
INFORMATION & SUPPORT SERVICES: Twenty-Four Hour Vehicle Assignments
(5-0)
- j. COMM. 12E-60 (2007)
WHYTE: Black Rock Canal Project
(5-0)
- k. COMM. 12M-13 (2007)
BUFFALO COMMON COUNCIL: Resolution Re: Niagara River Boardwalk
(5-0)
- l. COMM. 13D-2 (2007)
COUNTY ATTORNEY: Codification Services Proposal - Legislation of Erie County
(5-0)
- m. COMM. 13D-9 (2007)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
(5-0)
- n. COMM. 14D-1 (2007)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
(5-0)
- o. COMM. 16D-1 (2007)
COUNTY ATTORNEY: Codification of the Legislation of Erie County
(5-0)
- p. COMM. 17M-10 (2007)
NYS COMMISSION ON LOCAL GOVERNMENT EFFICIENCY AND COMPETITIVENESS: Local Initiatives by County
(5-0)
4. INTRO 14-2 (2007) **AS AMENDED**
IANNELLO, LOUGHRAN, REYNOLDS, WHYTE, MARINELLI, KENNEDY, KOZUB, LOCKLEAR & MILLS

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WHEREAS, Erie County has a wireless policy providing wireless phones to department heads, elected officials and to County personnel to insure employee safety and to conduct communications while doing County business; and

WHEREAS, in December 2005, according to records, the County maintained and paid for 691 wireless devices, 90 of which are Blackberries; and

WHEREAS, vendor contracts provided for unlimited use within the network, with roaming charges appearing as additional costs and other additional features not needed to conduct County business; and

WHEREAS, these unnecessary, additional features are deemed to be non-cost effective in light of Erie County's fiscal constraints with a Fiscal Stability Authority in place at the time; and

WHEREAS, insufficient coverage was observed in specific geographic areas of Erie County, causing lost calls and at certain times leaving employees out of touch; and

WHEREAS, the Department of Information and Support Services (DISS) is responsible for telecommunications within Erie County Government; and

WHEREAS, a 2005 audit found inconsistencies in wireless assignments and inaccuracies in billing statements; and

WHEREAS, said audit also indicates numerous instances whereby County employees appeared to possess two, and in some cases more, wireless devices; and

WHEREAS, all departments are consistently obligated to reduce spending as an obligation to the residents of Erie County and for the integrity of our purposes as legislators; and

WHEREAS, the above factors resulted in changing wireless networks for cost effectiveness, improved services and more efficient network coverage; and

WHEREAS, after a proper bidding process it was determined to enter into a contract with Verizon Wireless Services in August of 2006; and

WHEREAS, this contractual change resulted in the purchase of new cellular devices creating a surplus of previously used wireless devices functional only with the previous supplier; and

WHEREAS, the Division of Purchase is in charge of all Erie County surplus and has stated that at the current time there exists approximately 50+ cell phones which can no longer be used with our current service; and

WHEREAS, it is the intent of this body to be concerned with the quality of life of our constituents by supporting the human service agencies of Erie County in any way possible; and

WHEREAS, one of those agencies, the Family Justice of Erie County, Inc. brings professionals and services together under one roof to help victims of family violence with an

efficient and user-friendly system that improves the delivery of services to victims, and increases victim safety as well as offender accountability; and

WHEREAS, the Family Justice of Erie County offers onsite services in partnership with approximately thirty other human service agencies including Erie County Social Services and the Erie County Sheriffs Department; and

WHEREAS, cell phones by law still have the ability to dial 911 emergency calls.

NOW, THEREFORE, BE IT

RESOLVED, that it would be in the public interest to provide these unused, but functional, cell phones (without cost to the service provider or the County of Erie) to individuals who are victims or fear they are targeted to become victims of domestic violence but do not have the resources to afford a cell phone; and be it further

RESOLVED, that the Erie County Legislature hereby approves the donation of these 50+ cellular devices from the Division of Purchase to the Family Justice of Erie County organization to be distributed to those victims or potential victims of Domestic Violence as they or their partnering agencies deem necessary and appropriate.

(5-0)

5. INTRO 14-8 (2007)

WHYTE, MARINELLI, LOCKLEAR, KENNEDY, KOZUB, LOUGHRAN and MILLS

WHEREAS, the Niagara River is one of our region's greatest assets, one which residents throughout Erie County value and utilize; and

WHEREAS, people living in waterfront neighborhoods, from Southern to Northern Erie County, desire increased access to the waterfront for recreational activities such as fishing, boating, and swimming, and

WHEREAS, several points of entrance to the Niagara River exist within the City of Buffalo, including those along Niagara Street, Porter Avenue, and the Outer Harbor; and

WHEREAS, multiple projects are currently being pursued at each entrance, designed to bring increased accessibility to the waterfront for residents and visitors alike; and

WHEREAS, a Niagara River boardwalk would likely increase traffic at all waterfront destinations and satisfy many recreational activities including fishing, bird watching, running, and biking, as well as create opportunities for historical and educational displays, and

WHEREAS, plans for a Niagara River boardwalk are already underway and have received support from numerous community leaders and elected officials; and

WHEREAS, funding for this and other waterfront projects will require local, state, federal, and private investment; and

WHEREAS, the Common Council of the City of Buffalo has reviewed plans for a Niagara River boardwalk and have similarly called for state and federal support of a boardwalk.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature joins the Common Council of the City of Buffalo in requesting the consideration of the WNY State Delegation, Congresswoman Louise Slaughter, Congressman Brian Higgins, and New York State Senators Hillary Clinton and Charles Schumer.

(5-0)

6. COMM. 14E-25 (2007)

COUNTY EXECUTIVE

WHEREAS, Erie County requires the provision of services to support the installed applications of its Enterprise Resource System (SAP-ERP) and to provide developmental service where applicable; and

WHEREAS, the Erie County Division of Information and Support Services needs to retain a Professional Services Company to provide described support for the production operation of the County Enterprise Resource System, SAP; and

WHEREAS, support has been previously provided by IBM Corporation under contract that expired June 30, 2007; and

WHEREAS, this support is critical to the day to day functioning of the SAP applications until such time Erie County provides funding for appropriate training to support the applications internally with County staff; and

WHEREAS, the Division of Information and Support has submitted a request for an efficiency grant to the Erie County Fiscal Stability Authority to fund the training as described above and said grant request was rejected; and

WHEREAS, detailed specifications were developed by Division of Information and Support (DISS) management and solicited as RFP#07063VF; and

WHEREAS, the proposal requests were mailed to known vendors, advertised for in the Buffalo News, and posted on the Erie County web site; and

WHEREAS, a selection committee was established and a professional services selection process was completed in accordance with Section 19.08 of the Erie County Administrative Code; and

WHEREAS, representatives from the Office of the Comptroller, Office of Budget and Management, Office of Erie County Personnel and the Division of Information and Support Services have recommended that the County of Erie enter into a contract for the provision of services with the

firm of GlobalQuest Solutions Inc., 435 Lawrence Bell Drive, Suite 7, Williamsville, New York 14221, a local, WMBE.

NOW, THEREFORE, BE IT

RESOLVED, that the Information Technology firm of GlobalQuest Inc. be retained for the provision of services required to operate the SAP system, and be it further

RESOLVED, that the County Executive be and is hereby is, authorized to execute an agreement with the firm of GlobalQuest Solutions Inc., Lawrence Bell Drive, Suite 7, Williamsville, New York 14221, to provide the required services to support the operation of the County Enterprise Application Systems, SAP subject to the approval as to form by the County Attorney's Office and approval as to content by the Director of Information and Support Services; and be it further

RESOLVED, that funding for said contract is currently available in fund A.00238 to fund the balance of year 2007, and be it further

RESOLVED, that funding for years 2008 and beyond is to be requested as part of the annual operating budget for the Division of Information and Support (DISS) and is not to exceed \$830,000 per year plus a contingency amount of no greater than 10% of the annual contract price, and be it further

RESOLVED, that DISS budget for and implement an ongoing training plan that supports self sufficiency as described in the grant submission to the Erie County Fiscal Stability Authority and allows the County of Erie to reduce and/or eliminate the requirement for external support over the next three (3) year period, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the resolution to the Director, Division of Information and Support Services, and one (1) certified copy each to the County Executive, Erie County Comptroller; Erie County Attorney; and to the Director of Budget, Management and Finance.

(5-0)

7. **COMM. 14E-31 (2007)**

COUNTY EXECUTIVE

WHEREAS, for the past four years, the Counties of Erie and Niagara have been engaged in the creation and implementation of a regional planning initiative known as the Framework for Regional Growth (the "Framework"); and

WHEREAS, in order to insure smooth and efficient implementation of the policies and strategies set forth in the Framework, it is essential that geographic information systems (GIS) mapping data be developed and provided to municipalities involved in land use determinations throughout the bi-county region covered by the Framework; and

WHEREAS, in order to further insure prompt and effective implementation of the broad policies set forth in the Framework, it is essential that a specific policy manual be established for use by County officials involved in land use determinations throughout the bi-county region; and

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WHEREAS, Erie County submitted a joint application with Niagara County to the New York State Department of State, under the Quality Communities Grant Program for the purpose of further refining Framework policies and improving GIS mapping elements; and

WHEREAS, New York State approved the application on December 29, 2006 and requires execution of New York State/Erie County grant agreements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to sign any and all agreements with the New York State Department of State for an amount not to exceed \$65,000 of which \$13,000 will be provided as In Kind Services under the provisions of the Quality Communities Grant Program Intermunicipal Growth Program in order to implement the policies and strategies set forth in the Framework for Regional Growth; and be it further

RESOLVED, that authorization is hereby provided to establish a grant for the period of 10/1/07 to 09/30/08 as follows:

<u>Revenue</u>		
409000	State Aid Revenue	\$52,000
	Total Revenue	\$52,000

<u>Appropriations</u>		
516020	Professional Services – Contractual: Fees	<u>52,000</u>
	Total Appropriations	\$52,000

and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the County Executive; the Director of the Division of Budget and Management; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

(5-0)

8. COMM. 17E-1 (2007)

COUNTY EXECUTIVE

WHEREAS, in 2002 a resolution, 8E-47, was approved at a session of the Erie County Legislature to honor Lieutenant Colonel Matt Urban, and

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WHEREAS, that resolution instructed the County to recognize Lt. Col. Matt Urban by placing an honorary statue outside the entrance to the Edward A. Rath County Office Building, and

WHEREAS, due to funding and design constraints the memorial statue was never completed, and

WHEREAS, the total cost of the memorial is \$14,000 with funding from the Matt Urban Memorial Foundation accounting for \$4,000 and the remainder coming from the County of Erie, and

WHEREAS, it is the will of the County to finally complete the memorial honoring the most decorated combat soldier in United States history.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements with La Cross Monuments, Inc. for the purpose of completing the memorial statue to Lt. Col. Matt Urban, and be it further

RESOLVED, that this Honorable Body approve La Cross Monuments, Inc. of Buffalo, NY to be the designer of the Lt. Col Matt Urban memorial, and be it further

RESOLVED, that the following budget adjustment be made to acknowledge the collection of unanticipated revenue in the Exemption Removal account and to utilize said funds for payment to the vendor

Revenue:

Fund Center 14010 – Countywide Monitored by Budget

<u>Account</u>	<u>Increase</u>
400010- Exemption Removal	\$10,000

Appropriation:

Fund Center 12210 – DPW Commissioner’s Office

<u>Account</u>	<u>Increase</u>
516020 – Pro Ser Cnt and Fees	\$10,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; County Comptroller; Director of the Division of Budget & Management; Legislator Dan Kozub; and Norm Skulski, President of the Matt Urban Memorial Foundation.

(5-0)

**MARIA R. WHYTE
CHAIRPERSON**

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Item 33 – MR. LOUGHRAN presented the following report, moved to separate Item Nos. 2 and 3, and approve the balance of the report. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 245

OCTOBER 4, 2007

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 13

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-50 (2007)
MARINELLI: Energy & Environment Committee Matrix Training
(4-0)
 - b. COMM. 12E-13 (2007)
COUNTY EXECUTIVE: ECSD No. 4 - Vanderbilt Pump/Force Main Evaluation and Overflow Retention Facility Improvements - Bid Opening
(4-0)
 - c. COMM. 12E-14 (2007)
COUNTY EXECUTIVE: ECSD No. 4 - Depew Flow Meter/Valve Improvements - Bid Opening
(4-0)
 - d. COMM. 12E-17 (2007)
COUNTY EXECUTIVE: DEP - Sewerage Management - Computerized Maintenance Management System (CMMS) - Bid Opening
(4-0)
 - e. COMM. 12E-19 (2007)
COUNTY EXECUTIVE: ECSD No. 1 - Cayuga & Industrial Parkway - Heating and Ventilation Units - Bid Opening
(4-0)
 - f. COMM. 12E-21 (2007)
COUNTY EXECUTIVE: ECSD No. 3 - Rush Creek Interceptor - Bid Opening
(4-0)
 - g. COMM. 12E-37 (2007)
COUNTY EXECUTIVE: ECSD No. 6 - Kennedy Pump Station Replacement - Bid Opening
(4-0)

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- h. COMM. 12E-38 (2007)
COUNTY EXECUTIVE: ECSD No. 3 - Southtowns Wastewater Treatment Plant - Wet Well and Overflow Retention - Facility Improvements
(4-0)
- i. COMM. 12E-40 (2007)
COUNTY EXECUTIVE: ECSD No. 4 - Aurora North/Aurora South - Pump Station Improvements - Bid Opening
(4-0)
- j. COMM. 12E-41 (2007)
COUNTY EXECUTIVE: ECSD No. 2 - Point Breeze Pump Station Improvements - Bid Opening
(4-0)
- k. COMM. 12E-42 (2007)
COUNTY EXECUTIVE: ECSD No. 3 - Southwestern Pump Station Elimination
(4-0)
- l. COMM. 12E-43 (2007)
COUNTY EXECUTIVE: ECSD No. 2 - Sweetland Pump Station Improvements - Bid Opening
(4-0)
- m. COMM. 12E-45 (2007)
COUNTY EXECUTIVE: ECSD No. 3 - Southtowns Wastewater Treatment Facility - Solids Handling - Bid Opening
(4-0)
- n. COMM. 12E-46 (2007)
COUNTY EXECUTIVE: ECSD No. 8 - East Aurora - Wastewater Treatment Plant Improvements - Bid Opening
(4-0)
- o. COMM. 14E-16 (2007)
COUNTY EXECUTIVE: ECSD No. 3 - Professional Services Agreement with CRA Infrastructure and Engineering, Inc. - Blasdell Sanitary Sewer System – Rehabilitation/Replacement - Change Order No. 3
(4-0)
- p. COMM. 14D-3 (2007)
COUNTY ATTORNEY: Women's Tuesday Night Volleyball
(4-0)
- q. COMM. 14M-7 (2007)
NYS DEPT. OF AGRICULTURE AND MARKETS: An Act to amend the Agriculture and Markets Law

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- (4-0)
- r. COMM. 16E-7 (2007)
WHYTE: Copy of Letter to Editor Re: Parks
(4-0)
- s. COMM. 16E-32 (2007)
COUNTY EXECUTIVE: ECSDs 1-6 & 8 - Section 270/271 Resolutions
(4-0)
- t. COMM. 16E-33 (2007)
COUNTY EXECUTIVE: Semi-Annual Attendance Records - Board of Managers
(4-0)
- u. COMM. 16E-34 (2007)
COUNTY EXECUTIVE: Notice of Public Hearing - Erie County Sewer Districts - 2008
Assessment Rolls
(4-0)
- v. COMM. 16M-24 (2007)
NYS DEPT. OF AGRICULTURE & MARKETS: EC Agriculture District No. 9
(4-0)
- w. COMM. 16M-32 (2007)
NYSDEC: Erie County Agricultural District Nos. 2, 6, 8, 12 & 15
(4-0)
- x. COMM. 17M-5 (2007)
NYS DEPT. OF AGRICULTURE AND MARKETS: Availability of Grant Program for
Municipalities to Develop Agricultural and Farmland Protection Plans
(4-0)
2. COMM. 2E-11 (2007) (a) **AS AMENDED**
COUNTY EXECUTIVE
RESOLUTION NO. 246

RESOLUTION DATED _____, 2007

RESOLUTION APPROVING THE EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 3
AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH

(Introduced) _____, 2007.

(Adopted) _____, 2007.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the
provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated June

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13, 2007 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 13, 2007, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost contains (i) a description of the proposed boundaries of the area which the Department in its judgment considers will be benefited by the Proposed Extension, (ii) a description of the areas of the Proposed Extension to permit definite and conclusive identification of all parcels of property included therein, (iii) the proposed location of facilities of the Proposed Extension, and (iv) estimates of the cost of construction, reconstruction, if any, or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, the proposed extension includes the leasing from the Town of Hamburg of the all sewer facilities, including pipes, manholes, pumping stations and force mains and other facilities of the following Town of Hamburg Sewer Districts: #4, #5, #10, #12, #13, #18, #19, #21, and #25; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the leasing of the existing facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the establishment of the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$308; and

WHEREAS, said County Legislature duly adopted Resolution No. 188 on the 12th day of July, 2007, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid extension of Erie County Sewer District No. 3 in accordance with the aforesaid map and plan, and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have given due consideration to the impact that the extension of Erie County Sewer

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District No. 3 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 29th day of August, 2007, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the public hearing held on August 29, 2007, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 3.

Section 2. The extension of Erie County Sewer District No. 3 is hereby approved and said extension shall be known as "The Town of Hamburg Sewer Districts Extension (2007)," and shall comprise an area described as follows:

TOWN SEWER DISTRICT NO. 4 (CLOVERBANK)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York, being part of Lot Nos. 35 and 39, Township 9, Range 8 of the Holland Land Company's Survey and more particularly bounded and described as follows:

BEGINNING at the point of intersection of the centerline of Lake Shore Road (66' wide) with the centerline of Cloverbank Road (66' wide); thence southeasterly along the centerline of said Cloverbank Road a distance of 273± feet to a point, said point being the extension north of the east

line of Map Cover 1206 known as "Cloverbank on the Lake"; thence south along said east line of Map Cover 1206 a distance of 2041± feet to a point on the westerly property line of lands owned by Niagara Mohawk Power Company, said point also being the most southeasterly corner of said Map Cover 1206; thence southwesterly along said westerly line of Niagara Mohawk Power Company and also being the southeasterly line of Map Cover 1206 a distance of 860± feet to a point on the west line of Farm Lot 35; thence north along said west line of Farm Lot 35 a distance of 5.83 feet to a point; thence southwesterly continuing along said southeasterly line a distance of 426± feet to a point on the northerly right of way of Amsdell Road; thence northwesterly along said right of way of Amsdell Road a distance of 150± feet to the point of intersection with the westerly right of way of Southcrest Avenue (50' wide); thence southwesterly along a line that is a continuation of the westerly right of way of said Southcrest Avenue a distance of 300± feet to a point, said point being the intersection of the southerly extension of the west line of Map Cover 1206; thence north along said extension line, north along said west line of Map Cover 1206 and north along the northerly extension of said west line of Map Cover 1206 a distance of 2480± feet to a point at the water's edge of Lake Erie; thence northeasterly following along said water's edge a distance of 2,495± feet to the southerly line of Map Cover 1158; thence southeast along said southerly line a distance of 420± feet to a point on the centerline of Lake Shore Road (66' wide); thence southwesterly along said centerline a distance of 1,117± feet to the point or place of beginning.

TOWN SEWER DISTRICT NO. 5 (LOCKSLEY)

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot No. thirty (30), Township nine (9) Range eight (8) of the Holland Land Company's Survey and more particularly abounded and described as follows:

BEGINNING at the intersection of the center line of the Lake Shore Road and the southwesterly line of the Locksley Park Subdivision, as filed under Cover No. nine hundred eighty-eight (988), Erie County Clerk Office; thence easterly along the center of Lake Shore Road about one thousand nine hundred and forty-seven (1947) feet to a point one hundred (100) feet easterly from the easterly line of Stratford Terrace; thence southeasterly three hundred (300) feet to a point one hundred thirteen and seventy-four hundredths (113.74), feet east of the easterly line of said Stratford Terrace; thence easterly seven and twenty-six hundredths (7.26) feet; thence southeasterly one hundred twenty-one (121) feet from and parallel with Stratford Terrace; about three hundred twenty-three (323) feet; thence southerly one hundred ninety and six tenths (190.6) feet to a point ninety-five (95) feet easterly from the easterly line of Stratford Terrace; thence easterly three hundred ninety-two (392) feet to land now owned by George C. Laub; thence southerly along Laub's westerly line about nine hundred twenty six (926) feet to the northerly right-of-way line of Niagara, Lockport and Ontario Power Co.; thence southwesterly along said right-of-way line about one thousand eight hundred seventy-six (1876) feet to the southwesterly line of Locksley Park Subdivision; thence northwesterly along said southwesterly line of subdivision about one thousand eight hundred twenty-two (1822) feet to the place of beginning.

TOWN SEWER DISTRICT NO. 10 (AMSDALL HEIGHTS)

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot Number Thirty-nine (39), Township Nine (9), Range

Eight (8) of the Holland Land Company's Survey and more particularly bounded and described as follows:

BEGINNING at a point in the centerline of Amsdell Road where it intersects the easterly line of Penn Central Railroad; thence southeasterly along said centerline of Amsdell Road a distance of One Hundred Ninety Four (194) \pm feet to the point of intersection with the centerline of Brundage Road (50' wide); thence southwesterly along said centerline of Brundage Road One Hundred Fifty (150) \pm feet to the east line of Map Cover 1814; thence southerly along said east line of Map Cover 1814 a distance of Three Thousand Nine Hundred Thirty Two (3,932) \pm feet to a point at the southeast corner of said Map Cover 1814, said point also being the southeast corner of Lot No. 39; thence westerly along said south line of Lot No. 39 a distance of Three Hundred (300) \pm feet to a point at the southwest corner of said Map Cover 1814, said point also being the southeast corner of SBL 181.15-2-2 as described in Liber 9506 Page 652; thence northerly along the east line of said SBL 181.15-2-2 a distance of Seven Hundred Fifty One and Five tenths (751.50) \pm feet to a point, said point being Two Hundred (200) feet south of the southerly line of South Place (50' wide), said point also being the southeast corner of SBL 181.15-2-3; thence westerly along a line parallel to the south line of said South Place a distance of one hundred twenty five (125) \pm feet to a point at the southwest corner of said SBL 181.15-2-3; thence north along the west line of said SBL a distance of Sixty Two (62) \pm feet to a point at the southeast corner of SBL 181.15-2-1; thence west along the south line of said SBL 181.15-2-1 a distance of One Hundred and Eighty and Eighty Eight Hundredths (180.88) \pm feet to a point that intersects the extension south of the west line of Map Cover 1814; thence northerly along said extension line and west line of Map Cover 1814 a distance of Two Thousand Eight Hundred Nine (2809) \pm feet to a point on the easterly line of Penn Central Railroad right-of-way; thence northeasterly along said easterly line of Penn Central Railway a distance of Eight Hundred Forty Two (842) \pm feet to the point or place of beginning.

TOWN SEWER DISTRICT NO. 12 (BETHFORD)

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot No. 36, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING, at intersection of McKinley Parkway and Lake Avenue; thence easterly along Lake Avenue to the easterly line of said Lot No. 36, Township 10, Range 7; thence southerly along said easterly line of said Lot No. 36, to Mile Strip Road; thence westerly along Mile Strip Road to McKinley Parkway; thence northerly along McKinley Parkway to Lake Avenue to the place of beginning; excepting, all that parcel of land at the northwest corner thereof, having three hundred feet (300') frontage on McKinley Parkway and one hundred thirty feet (130') frontage on Lake Avenue, described in a deed recorded in Erie County Clerk's Office in Liber 3023 at page 421, also excepting six (6) parcels of land at the northeast corner thereof, each being two hundred sixty-five and eight-nine hundredths feet (265.89') in depth from the north line of said Lot No. 36 and together being five hundred ninety-four and six-tenths feet (594.6') in width, measured along said northerly line of said Lot No. 36 westerly from said corner, also excepting four (4) parcels of land fronting on Lake Avenue, beginning at the west line of premises described in a deed recorded in Erie County Clerk's office in Liber 1255 of deeds at page 428, each being two hundred sixty-five and eight-nine hundredths feet (265.89') in depth from the north line of said Lot No. 36, and together being three

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hundred seventy-five feet (375') in width measured along said north line of said Lot No. 36 easterly for said west line described in said last mentioned deed.

Also, all that tract or parcel of land, situate lying and being in the Town of Hamburg, County of Erie and State of New York, known and distinguished as part of Lot No. 35, Township 10, Range 7, of that part of the Buffalo Creek Reservation known as the Milestrip as surveyed by John Lamberton and bounded as follows:

Beginning, in the west line of Lot No. 35 distant nine hundred and ninety-four (994) feet south of the north line of Lot No. 35; thence east along the northerly line of Joseph Lichor property two hundred sixty-nine (269) feet to the northeast corner of same; thence north parallel to the west line of Lot No. 35 to the middle of Smokes Creek; thence northwesterly along the middle of Smokes Creek to the north line of Lot No. 35; thence west along the north line of Lot No. 35 to the northwest corner of Lot No. 35; thence south along the west line of Lot No. 35 nine hundred and ninety-four (994) feet to the northwest corner of Joseph Lichor property to the place of beginning.

TOWN SEWER DISTRICT NO. 13 (SOUTH LYTH)

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Hamburg, County of Erie, State of New York, being part of Lot No. 442, Township 10, Range 7, of the Buffalo Creek Indian Reservation and, on a Subdivision Map made of part of said Lot and filed in the Erie County Clerk's Office, under Map Cover Number 1918, known as Subdivision Lot Nos. 1 to 35, both inclusive, and also three parcels shown on said Subdivision Map fronting on Lake Avenue all of which premises are bounded as follows:

BEGINNING at a point in Lake Avenue, which is the southwest corner of Lot No. 442; thence northerly, along the westerly line of said Lot No. 442, 1,618.55 feet, which is the southwest corner of Subdivision Lot No. 57 of Map Cover 1655; thence easterly and southeasterly, along the south line of Map Cover 1655, to its intersection with the west line of property described in a deed recorded in the Erie County Clerk's Office in Liber 4483 of Deeds at Page 127; thence southerly, along the west line of said property described in said Deed, to the southwest corner thereof; thence easterly, along the south line of the lands described in said Deed, to the east line of Lot No. 442; thence southerly along the easterly line of said Lot No. 442, to the southeast corner thereof; thence westerly, along the south line of said Lot No. 442, to the point of beginning.

TOWN SEWER DISTRICT NO. 18 (BENZ)

PARCEL "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lots Number 43 and 44, Township 9, Range 7 of the Holland Land Company's survey and more particularly bounded and described as follows:

BEGINNING at the northeast corner of Sublot 204 as recorded in the Erie County Clerk's Office under Map Cover 1941, thence southeasterly along the southwesterly line of lands now or formerly owned by Adolph Knab, a distance of one thousand three hundred sixty-four and twenty-nine hundredths (1364.29) feet to the west line of Abbott Road; thence southerly along the west line

of Abbott Road, a distance of one hundred three and twenty-nine hundredths (103.29) feet to a point where Abbott Road deflects easterly twenty-eight degrees and four minutes ($28^{\circ} 04''$)' thence southeasterly along the southwesterly line of Abbott Road, a distance of sixty (60.0) feet to a point in the southwesterly line of Abbott Road; thence southwesterly at right angles to the last described line, a distance of three hundred sixty-five feet (365.0) to a point in the southwesterly line of a proposed sixty foot street; thence southeasterly at right angles to the last described line a distance of six (6.0) feet more or less; thence easterly at an included angle of sixty-seven degrees and forty minutes ($67^{\circ} 40'$) a distance of three hundred thirty-three and fifteen hundredths (333.15) feet to a point in the northeasterly line of a proposed fifty-five foot street; thence northwesterly along the northeasterly line of said proposed street at an included angle of one hundred twelve degrees and twenty minutes ($112^{\circ} 20'$) a distance of one hundred seventy (170) feet; thence westerly at an included angle of one hundred twelve degrees and twenty minutes ($112^{\circ} 20'$), a distance of eight hundred forty-six and sixty-eight hundredths (846.68) feet to a point on the southwesterly line of a proposed street; thence northwesterly along the southwesterly line of said proposed street, a distance of twenty (20.00) feet, more or less to a point where said proposed street deflects easterly twenty-one degrees and thirty-one minutes ($21^{\circ} 31'$); thence northerly along the westerly line of said proposed street, a distance of three hundred ten (310) feet more or less; thence westerly, a distance of two hundred thirty-three and sixty hundredths (233.60) feet, more or less to the easterly line of Ashbury; thence northerly along this said easterly line of Ashbury, a distance of three hundred fifty-one and five tenths (351.5) feet; thence southeasterly at an included angle of seventy degrees, thirty minutes and thirty-six seconds ($70^{\circ} 30' 36''$) to a point on an arc having a radius of thirty-five (35.0) feet; thence southeasterly, easterly and northeasterly along said arc, a distance of ninety-three and three tenths (93.3) feet; thence southeasterly along a line drawn parallel and thirty-five (35.0) feet southerly from the southerly line of Map Cover 1941, a distance of one hundred sixty-three (163.0) feet; thence northeasterly along the southeasterly line of Map Cover 1941 a distance of four hundred eight-two and eight tenths (482.8) feet to the southeasterly corner of Sublot 204 as recorded in the Erie County Clerk's Office under Map Cover 1941; thence northwesterly along the southwesterly line of said Sublot 204 a distance of eighty(80)feet to the southwesterly corner of said Sublot 204; thence northeasterly along the northwesterly line of said Sublot 204 a distance of one hundred seventy (170) feet to the northwesterly corner of said Sublot 204; thence southeasterly along the northeasterly line of said Sublot 204 a distance of eighty (80) feet to the place of beginning.

Being all of Edward G. Benz Subdivision Part 2, as filed in Erie County Clerk's Office under Map Cover 2106 and Sublot 204 in the Edward G. Benz Subdivision, as filed in the Erie County Clerk's Office under Map Cover 1941 contained 26.5 acres, more or less.

PARCEL "B"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot Number 43, Township 9, Range 7 of the Holland Land Company's survey being more particularly bounded and described as follows:

BEGINNING at the intersection of the southwesterly line of Abbott Road and the easterly line of Lot 43, Township 9, Range 7 said easterly line being also the easterly line of the Town of Hamburg, thence southerly along the said easterly line of Lot 43, a distance of about one thousand four hundred fifteen (1415.0) feet to the southerly line of lands of Edward G Benz, thence westerly along the southerly line of Benz a distance of one thousand one hundred seven and two tenths

(1107.2) feet to a point; thence northwesterly along the northeasterly line of lands now or formerly owned by George Fierle, a distance of one thousand six hundred fifty-nine and three tenths (1659.3) feet to the northerly line of Lot 43, Township 9, Range 7; thence northerly along the easterly line of lands now or formerly owned by M.R. Ashbury, a distance of one hundred forty-five and nine tenths (145.9) feet to a point; thence easterly along the southerly bounds of a twenty foot wide access roadway shown on a map filed in the Erie County Clerk's Office under Map Cover 2106, a distance of two hundred thirty-three and six tenths (233.6) feet to the westerly bounds of Willow Drive as shown on said Map Cover 2106; thence southerly along the westerly bounds of Willow Drive a distance of about three hundred ten (310) feet to a point where the westerly bounds of Willow Dive deflect to easterly twenty-one degrees and thirty-one minutes ($21^{\circ} 31'$); thence southeasterly along the westerly bounds of a proposed street a distance of about twenty (20.0) feet to the southerly line of Holly Place as shown on Map Cover 2106; thence easterly along the southerly bounds of Holly Place, a distance of eight hundred forty-six and sixty eight hundredths (846.68) feet to the northwesterly corner of Sublot 47 as shown on Map Cover 2106; thence southeasterly along the southwesterly line of said Sublot 47, a distance of one hundred seventy (170.0) feet to the southwesterly corner of said Sublot 47; thence easterly along the southerly line of Sublots 47, 48 and 49 as shown on said Map Cover 2106, a distance of three hundred thirty-three and fifteen hundredths (333.15) feet to the southwesterly line of a proposed street shown on said Map Cover 2106; thence northwesterly along the southwesterly line of said proposed street a distance of about six (6.0) feet to a point; thence northeasterly at right angles to the last described line a distance of sixty (60.0) feet to the southwesterly corner of Sublot 50 as shown on Map Cover 2106; thence continuing northeasterly along the southeasterly line of said Sublot 50 and the southeasterly bounds of Best Street a distance of three hundred seven (307.0) feet to the southwesterly bounds of Abbott Road; thence southeasterly along the southwesterly bounds of Abbott Road, a distance of about twenty (20.0) feet to the place of beginning.

TOWN SEWER DISTRICT NO. 19 (SHELDON ACRE)

ALL THAT TRACT OR PARCEL OF LAND located in the Town of Hamburg, County of Erie and State of New York, and being part of Lot 48, Township 9, Range 7 of the Holland Land Company's Survey and further bounded and described as follows:

BEGINNING at the northeast corner of said Lot 48, running thence westerly along the north line of said lot two hundred ninety-three and seventy hundredths (293.70) feet, running thence southerly on a line parallel to the east line of said Lot 48 sixteen hundred ninety-six and twenty hundredths (1696.20) feet more or less to the center line of Sheldon Road; thence north sixty-four degrees eighteen minutes east ($N.64^{\circ} 18'E.$) and along the said center line of Sheldon Road three hundred twenty-six and four hundredths (326.04) feet to the east line of said Lot 48; running thence north along said east line of Lot 48 fifteen hundred fifty-four and thirty hundredths (1554.30) feet more or less to the northeast corner of said Lot to the point or place of beginning.

TOWN SEWER DISTRICT NO. 21 (HAMBURG MASTER)

BEGINNING at the point of intersection of the southeast shore line of Lake Erie with the north line of land of 3773 Lake Shore Road, Inc., said north line being about three hundred ninety (390) feet north measured at right angles from the north line of Lot 16, Township 9, Range 8; thence east along the north line of 3773 Lake Shore Road, Inc. property about eleven hundred (1100) feet to

the center line of the Old Lake Shore Road; thence southeast along the northeast line of Snyder land about four hundred sixty (460) feet to the north line of Lot 16; thence east along the north line of Lot 16 about thirteen hundred (1300) feet to the east line of lands subdivided and shown on subdivision map filed in the Erie County Clerk's Office under Cover 416 and known as Bayview; thence southerly along the east line of lands shown on said subdivision map about eighteen hundred fifty (1850) feet to a point four hundred fifty (450) feet northeast measured at right angles from the northeast line of Bayview Road; thence southeasterly parallel with Bayview Road about one thousand (1000) feet to a line extended westerly which is two hundred (200) feet north from the north line of North Street as laid out on map filed in the Erie County Clerk's Office under Cover 694 and parallel therewith; thence easterly parallel with the north line of North Street about thirty-five hundred forty (3540) feet to the southwest right-of-way line of the Erie Railroad; thence southeasterly along the southwest line of said Erie Railroad about thirty-two hundred (3200) feet to a line parallel with and two hundred fifty (250) feet easterly from the east line of South Park Avenue; thence southerly parallel with the east line of South Park Avenue about eleven thousand eight hundred eighty (11,880) feet to a line dividing land owned by the Buffalo Trotting Association on the north and Michael Petrichrick on the south; thence westerly along said dividing line two hundred fifty (250) feet to the east line of South Park Avenue; thence continuing westerly across South Park Avenue and along the north line of land owned by James Dunnigan and said line extended, being the south line of land shown on a subdivision map recorded in the Erie County Clerk's Office under Map Cover 713, twenty-seven hundred (2700) feet to a line three hundred (300) feet southeasterly measured at right angles from the southeast line of Ridge Road; thence southwesterly parallel with and three hundred (300) feet southeasterly measured at right angles from the southeast line of Ridge Road about eleven hundred (1100) feet to the southwest line of Camp Road; thence southeast along the southwest line of Camp Road about one hundred forty (140) feet to the north line of land shown and subdivided on a map filed in the Erie County Clerk's Office under Cover 1401; thence westerly along the north line of said land as subdivided on said Cover 1401 about three hundred forty (340) feet to a point two hundred forty (240) feet southwest of Camp Road as measured at right angles thereto; thence northwest and parallel with Camp Road about fifteen hundred thirty (1530) feet to the northwest line of land owned by M. Hartson; thence northeast along the northwest line of said Hartson land two hundred forty (240) feet to the southwest line of Camp Road; thence northwest along the southwest line of Camp Road about nineteen hundred thirty (1930) feet to the northwest line of land taken by the State of New York for Thruway purposes and known as the Erie Section of the New York State Thruway; thence southwesterly along the northwest line of land of said Erie Thruway about seven thousand (7000) feet to the west line of Lot 20, Township 9, Range 8; thence north along said west line of Lot 20 about eighteen hundred (1800) feet to a line parallel with the southwest line of Rogers Road and two hundred (200) feet southwest therefrom, measured at right angles thereto; thence northwest parallel with the southwest line of Rogers Road about one thousand (1000) feet to the most westerly corner of land of Henry Dybowski; thence westerly about four hundred (400) feet to a point in the west line of land owned by Stanley Dybowski, said point being nine hundred (900) feet south from the north line of Lot 28, Township 9, Range 8; thence westerly parallel with the north line of Lot 28 about three hundred thirty-eight (338) feet to the west line of land of Frank J. Brzezinski; thence north along the west line of said Brzezinski land and crossing Southwestern Boulevard and continuing north along the west line of land owned by Charles Smalian nine hundred (900) feet to the south line of Lot 29, thence west along the south line of Lot 29; about twenty-seven hundred (2700) feet to the southwest corner of Lot 29; thence northerly along the west line of said Lot 29 about twenty-one hundred fifty (2150) feet to a point in a line drawn parallel with the center line of Cloverbank Road and three hundred (300) feet southerly therefrom measured at

right angles thereto; thence westerly along said line parallel with the center line of Cloverbank Road and three hundred (300) feet southerly therefrom about eighteen hundred (1800) feet to the southeast line of lands of the New York, Chicago, & St. Louis Railroad, also known as the Nickle Plate Railroad; thence northeasterly along said southeasterly right-of-way line of said Railroad about eighty-two hundred twenty (8220) feet to an extension southerly of the east line of Locksley Park Sanitary Sewer District; thence north along said extension and along the said east line of Locksley Park Sanitary Sewer District about thirteen hundred (1300) feet to an angle in said District Boundary; thence west along a north line of said District three hundred ninety-two (392) feet to an angle in said District Boundary; thence north along the east line of said District one hundred ninety and sixty hundredths (190.60) feet to an angle in said District Boundary; thence northerly along the east line of said District about three hundred twenty-three (323) feet to an angle in said District Boundary; thence west along a north line of said District Boundary seven and twenty-six hundredths (7.26) feet to the east line of said District; thence north along the east line of said District and said east line extended northerly about three hundred forty (340) feet to the southeast shore of Lake Erie; thence northeasterly along the southeast shore line of Lake Erie about eighty-three hundred (8300) feet to the point of beginning.

EXTENSION 1 TO HAMBURG MASTER TOWN SEWER DISTRICT NO. 21,
(BRIERWOOD EXTENSION)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot Numbers 28, 34, and 35, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the point of intersection of the southeast corner of Lot 35 with the southwest corner of Lot 29; thence northerly along the east line of Lot 35 a distance of 2,140 feet more or less to a point, said point being 280 feet more or less south of the southerly highway boundary of Cloverbank Road (49.5 feet wide); thence westerly along a line parallel to said highway boundary a distance of 480 feet more or less to a point of intersection with the east line of lands reserved by WEBR, Inc. in an instrument recorded in Liber 6227 of Deeds at page 312 on October 9, 1957; thence southerly at an interior angle of 66 degrees 51' a distance of 1,142 feet more or less to a point of curvature; thence southerly, westerly, and northerly along a curved line having a radius of 264 feet, an arc distance of 829.38 feet to a point of tangency; thence northerly along a line drawn parallel to the above described line which was 1,142 feet long, at a distance of 528 feet westerly therefrom as measured at right angles, a distance of 1,236.59 feet to an angle point in the westerly line of lands so reserved by WEBR, Inc. by above deed; thence westerly along a line parallel to and 280 feet more or less south of the southerly highway boundary of Cloverbank Road, a distance of 790 feet more or less to a point in the southeasterly line of lands conveyed to Lake Shore and Michigan Southern Railway Company by instrument recorded in Liber 309 of Deeds at page 568 on July 19, 1872; thence southwesterly along said railway lands as conveyed by the last described deed and by instrument recorded in Liber 426 of Deeds at page 91 on October 4, 1881, a distance of 2,820 feet more or less to the northwest corner of lands conveyed to the County of Erie by instrument recorded in Liber 8603 of Deeds at page 595 on January 4, 1978, thence southeasterly along said lands conveyed to the County of Erie along the following four courses: (1) southeasterly at an interior angle of 85 degrees, 54' 46", 97.82 feet; (2) southeasterly at an interior angle of 167 degrees, 35' 19", 117.16 feet; (3) southeasterly at an interior angle of 208 degrees, 13' 45", 181.82 feet; (4) southeasterly at an interior angle of 169 degrees 56' 49", 41.44 feet to a point of intersection with

the south line of Lot 35; thence westerly along said lot line a distance of 305 feet more or less to the point of intersection with the northwest corner of Lot 34; thence southerly along the west line of Lot 34 a distance of 575 feet more or less; thence easterly at right angles a distance of 16.1 feet to a point; thence northeasterly along a line which is perpendicular to the southwesterly highway boundary of Amsdell Road (66 feet wide), a distance of 115 feet more or less to a point of intersection with a line which is parallel to and 125.0 feet east of the west line of Lot 34; thence southerly along said parallel line a distance of 3,422.49 feet to a point of intersection with the south line of Lot 34; thence easterly along said lot line a distance of 2,000.69 feet to a point; thence northerly at an interior angle of 91 degrees 49' 34" a distance of 800 feet more or less to a point; thence easterly at an exterior angle of 91 degrees 41' 40" a distance of 688.18 feet to a point; thence northerly at an interior angle of 88 degrees 18' 20" a distance of 1,283.36 feet to a point; thence northeasterly at an exterior angle of 161 degrees 35' 34" a distance of 299.42 feet to a point of intersection with the southerly highway boundary of Amsdell Road; thence southeasterly at an exterior angle of 88 degrees 18' 56" along said highway boundary a distance of 276.14 feet to a point, said point being 650.78 feet west of the east line of Lot 34; thence southerly along a line which is parallel to said lot line a distance of 487 feet to a point; thence easterly at right angles a distance of 200 feet to a point; thence northerly at right angles a distance of 490 feet to a point of intersection with the northerly highway boundary of Amsdell Road; thence easterly along said highway boundary a distance of 1,840 feet more or less to a point in the northwesterly highway boundary of Southwestern Boulevard (100 feet wide); thence northeasterly along said highway boundary a distance of 890 feet more or less to the southwest corner of lands conveyed to Ettore Imagna and Betty Imagna by instrument recorded in Liber 5389 of Deeds at page 398 on August 31, 1953; thence northerly along Imagna's west line a distance of 477.37 feet to the northwest corner thereof; thence southeasterly along Imagna's northeast line a distance of 227.98 feet to the northeast corner thereof; thence southerly along Imagna's east line a distance of 190.35 feet to the southeast corner thereof in the northwest line of Southwestern Boulevard; thence northeasterly along the northwest line of Southwestern Boulevard a distance of 196.7 feet to the southwest corner of lands conveyed to Norman Klaus by instrument recorded in Liber 3864 of Deeds at age 171 on April 5, 1946; thence northerly along the west line of Klaus a distance of 750.96 feet to the northwest corner thereof, to a point of intersection with the north line of Lot 28; thence westerly along said lot line a distance of 2,264.89 feet to the point or place of beginning.

Also including all that tract or parcel of land situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot Number 28, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

Commencing at the intersection of the southeasterly highway boundary of Southwestern Boulevard with the southwesterly highway boundary of Rogers Road (66 feet wide); thence southwesterly along said highway boundary of Southwestern Boulevard a distance of 595 feet more or less to the point of beginning, said point being 1,478 feet more or less west of the east line of Lot 28; thence southerly along a line which is parallel to said lot line a distance of 430.9 feet to a point; thence westerly at right angles a distance of 239.34 feet to a point; thence northerly at right angles a distance of 250 feet to a point of intersection with the southeasterly highway boundary of Southwestern Boulevard; thence northeasterly along said highway boundary a distance of 300 feet to the point or place of beginning.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York and being part of Lot 8, Township 9, Range 8 of the Holland Land Company's survey and being further described as follows:

BEGINNING at a point of intersection of the westerly line of the property of the former Hamburg Railway Company and a line 200 feet north of the north line of North Street, also being the north boundary of the Hamburg Master Sewer District; thence northeasterly along the westerly line of said Hamburg Railway Company's land to the westerly line of the Erie Railroad Company's lands; thence northwesterly along the westerly line of said Erie Railroad Company's lands to a point in a line which is parallel to and approximately 744 feet north of the southerly line of the lands conveyed to Nathan P. Bristol and recorded in the Erie County Clerk's Office in Liber 13 at Page 197; thence westerly along said line a distance of 425 feet; thence southwestwardly at an interior angle of 98 degrees a distance of 549 feet more or less to the previously described line 200 feet north of the north line of North Street; thence easterly along said line and parallel to the north line of North Street a distance of 420 feet more or less to the point or place of beginning.

TOWN SEWER DISTRICT NO. 25 (Northeast)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York, being part of Townships 9 and 10, Range 7 of the Holland Land Company's Survey and more particularly bounded as follows:

BEGINNING at a point of intersection of the centerline of Willett Road with the centerline of Abbott Road, said point being also the northeast corner of the Town of Hamburg; running thence southeasterly along the centerline of Abbott Road to its point of intersection with the centerline of Olympic Avenue; thence westerly along the centerline of Olympic Avenue to its point of intersection with the easterly town line; running thence southerly along the easterly town line to its intersection with the centerline of Sowles Road extended; running thence westerly along said centerline of Sowles Road extended to its intersection with the easterly line of Hamburg Master Sewer District; running thence northerly along the easterly boundary of the Hamburg Master Sewer District and the New York State Thruway to its intersection with the southerly line of the City of Lackawanna also being the centerline of Willett Road; thence running easterly along the centerline of Willett Road to the point of beginning, excepting the Town Sewer Districts known as Bethford, South Lyth and Sheldon Acres in the Town of Hamburg and all established town sewer districts within the area not specifically described above.

Section 3. There will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 4. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption

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hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

(4-0)

3. COMM. 2E-11 (2007) (b) **AS AMENDED**
COUNTY EXECUTIVE
RESOLUTION NO. 247

RESOLUTION DATED _____, 2007

**RESOLUTION APPROVING THE EXTENSION OF ERIE COUNTY
SEWER DISTRICT NO. 3 AND MAKING OTHER DETERMINATIONS
IN CONNECTION THEREWITH**

(Introduced) _____, 2007.

(Adopted) _____, 2007.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 13, 2007, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost contains (i) a description of the proposed boundaries of the area which the Department in its judgment considers will be benefited by the Proposed Extension, (ii) a description of the areas of the Proposed Extension to permit definite and conclusive identification of all parcels of property included therein, (iii) the proposed location of facilities of the Proposed Extension, and (iv) estimates of the cost of construction, reconstruction, if any, or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, the proposed extension includes the acquisition from the Wanakah Sewer District of the all sewer facilities, including pipes, manholes, pumping stations and force mains and other facilities of such sewer district; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the acquisition of the existing facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the establishment of the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$314.00; and

WHEREAS, said County Legislature duly adopted Resolution No. 189 on the 12th day of July, 2007, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid extension of Erie County Sewer District No. 3 in accordance with the aforesaid map and plan, and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have given due consideration to the impact that the extension of Erie County Sewer District No. 3 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 29th day of August, 2007, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the public hearing held on August 29, 2007, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;

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(c) all the property and property owners benefited are included within the limits of the proposed extension;

(d) it is in the public interest to extend said Erie County Sewer District No. 3.

Section 2. The extension of Erie County Sewer District No. 3 is hereby approved and said extension shall be known as "The Wanakah Sewer District Extension," and shall comprise an area described as follows:

TOWN SEWER DISTRICT NO. 3 (WANAKAH)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg County of Erie, State of New York, and being parts of Lot 39 and Lot 42 Township 9, Range 8 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point on the west line of Lot No. 42 where it intersects the center line of Old Lake Shore Road, said point also being on the east right-of-way of Lakewood Drive (66' wide) extended north; thence north along the west line of Lot 42 a distance of 110± feet to a point at the waters edge of Lake Erie; thence northeasterly along the waters edge of Lake Erie a distance of 9,531± feet to a point that intersects the extension north of the west line of Map Cover 1206, said point being the northeast corner of SBL 169.19-13-5 as described in Liber 10135 page 261, and also being the west line of Cloverbank Town District No. 4; thence southerly along said extension line, south along said west line of Map Cover 1206, south along the southerly extension of said west line of Map Cover 1206 a distance of 2721± feet to a point on the northwesterly property line of lands owned by Niagara Mohawk Power Company, SBL 181.10-1-9, as described in Liber 6051, page 20, said point being the southeast corner of SBL 181.07-2-12 as described in Liber 11094 page 6912 and also being the southeast corner of subdivision Lot No. 17, Block No. 4 of Map Cover No. 643; thence southwesterly along said northwesterly line of Niagara Mohawk Power Company a distance of 7028± feet to the southeast corner of SBL 181.13-4-31 as described in Liber 7154 page 177; thence westerly along the south line of SBL 181.13-4-31 and its extension a distance of 1653± feet to a point on the west line of West Lane (50' wide), said point also being at the southeast corner of SBL 180.20-1-10 as described in Liber 6502 page 467 and also being the southeast corner of subdivision Lot No. 58 of Map Cover No. 1960; thence continuing westerly along the south line of said Map Cover 1960 a distance of 680.09± feet to a point at the southwest corner of Map Cover 1960, said point also being the southwest corner of SBL 180.20-1-1 as described in Liber 6424 page 405 and also being the southwest corner of Sublot No. 43 of said Map Cover 1960; thence north along the west line of said Map Cover 1960 and its extension north a distance of 2471± feet to the point or place of beginning.

Section 3. There will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 4. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption

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hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

(4-0)

4. COMM. 14E-30 (2007)

COUNTY EXECUTIVE

WHEREAS, the United States Environmental Protection Agency (USEPA) provides grant assistance to implement air quality education and outreach initiatives; and

WHEREAS, Erie County has successfully conducted a model Indoor Air Quality (IAQ) Program since 1988; and

WHEREAS, representatives from regional Native American population centers have expressed interest in developing a program to minimize risks associated with toxic air pollutants and to utilize Erie County's expertise in indoor air quality, commercial environmental assistance, and the collection of household hazardous waste; and

WHEREAS, the USEPA has awarded the Erie County Department of Environment and Planning (ECDEP) a grant in the amount of \$67,122 to establish a two-year program to implement a multifaceted risk reduction effort for indoor and outdoor air pollutants; and

WHEREAS, the USEPA has awarded an additional \$15,000 in grant funding for the Project, contingent upon execution of an Assistance Amendment; and

WHEREAS, the current budget was established by resolution dated January 18, 2007 (Comm. 1E-22); and

WHEREAS, Erie County and the United States Environmental Protection Agency have reached a consensus that a no-cost grant extension is necessary to effectively utilize Program resources.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute the USEPA Assistance Amendment; and be it further

RESOLVED, that the Erie County Department of Environment and Planning is hereby authorized to make the necessary changes to the Erie County Tribal Community Reducing Toxic Air Pollutants Project grant period to effectively utilize the grant funding; and be it further

RESOLVED, that the Erie County Executive is authorized to execute a no-cost extension for the Erie County Tribal Community Reducing Toxic Air Pollutants (RTAP) Project; and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

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RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(4-0)

5. COMM. 16E-6 (2007)

COUNTY EXECUTIVE

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and

WHEREAS, Notice of said Public Hearing shall be published at least once in the official County newspapers and at least five (5) days prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls are open for public inspection in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY, at 1:30 p.m., local time, on November 8, 2007 for the purpose of meeting to hear and consider any objections which may be made to the 2008 Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of September 30, 2007; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, the County Executive the Erie County Comptroller, and Gregory Dudek Assistant County Attorney.

(4-0)

6. COMM. 16E-15 (2007)

COUNTY EXECUTIVE

RESOLVED, the appointment of the following individual to the Erie County Fisheries Advisory Board is hereby confirmed:

NAME & ADDRESS

TERM EXPIRES

R Scott Gauld
 59 Dolphann Drive
 Tonawanda, New York 14202

December 31, 2009

(4-0)

7. COMM. 16E-20 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Energy Performance Contractor to provide validation and preliminary design services for energy and efficiency upgrades at wastewater treatment facilities in Erie County Sewer District No. 2 and No. 6; and

WHEREAS, the Department of Environment and Planning has recommended the firm of Siemens Building Technologies, Inc., 85 Northpoint Parkway, Suite 8, Amherst, New York 14228.

NOW, THEREFORE BE IT

RESOLVED, that the firm of Siemens Building Technologies, Inc. be retained at a cost not-to-exceed \$48,700.00; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of Siemens Building Technologies, Inc., 85 Northpoint Parkway, Suite 8, Amherst, New York 14228, to provide the needed services subject to approval as to form by the County Attorney's Office and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the County Comptroller be authorized to allocate a total of \$48,700.00 for the Agreement as follows: \$36,525.00 from ECSD No. 2 Operating Fund Contractual Services (Account No. 516020) and \$12,175.00 from ECSD No. 6 Bond Account C.00001; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive; Director of Budget, Management and Finance; Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and two (2) certified copies to Thomas J. Whetham, P.E., Department of Environment and Planning.
 (4-0)

8. COMM. 16E-26 (2007)

COUNTY EXECUTIVE

WHEREAS, A Contract was awarded and money encumbered in Communication 19E-46 as noted; and

WHEREAS, the original resolution contained an error which allocated \$546,376 from Account C.00013 and should have been allocated from Account C.00004; and

WHEREAS, there is adequate authorization in Erie County Sewer District No. 2 Capital Project C.00004 to accommodate the change; and

WHEREAS, it is necessary to correct the error to properly secure funding for the expenditures incurred.

NOW, THEREFORE, BE IT

RESOLVED, that the Comptroller is authorized and directed to correct the allocation of \$2,696,300.00 noted in communication 19E-46 from Sewer Capital as follows; \$1,684,924.00 from Erie County Sewer District No. 2, Account C.00002 (430-147), \$546,376.00 from Account C.00004 (430-178), and \$465,000.00 from Account C.00028 (430-533) for Contract 61PS – A, Contract 61PS – B; and Contract 61PS – D; and be it further

RESOLVED, that the Comptroller is authorized and directed to reclassify \$546,376.00 in expenditures previously recorded in Capital Project C.00013 to Capital Project C.00004; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to Gregory Gach, Deputy Comptroller; one certified copy to the Erie County Comptroller's Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Thomas J. Whetham, P.E., Department of Environment and Planning.
 (4-0)

9. COMM. 16E-27 (2007)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, provides financial aid for Phase II Stormwater Implementation Projects; and

WHEREAS, the New York State Department of Environmental Conservation granted Erie County funding to establish the Western New York Stormwater Coalition; and

WHEREAS, the state grant resources to cover the costs associated with this agreement are available in the Erie County Capital Project Budget No. A.00251, entitled Stormwater Outfall Mapping/GIS Enhancements which was authorized and established by a resolution passed by the Erie County legislature, dated September 23, 2004; and

WHEREAS, the workplan for the New York State Department of Environmental Conservation funding requires that Erie County purchase a "MS4 Permit Manager" software for up to 45 municipalities and perform the related software support work, including installation and set up of the software, staff training and technical support; and

WHEREAS, Erie County issued a Request for Proposals on Tuesday March 13, 2007; and

WHEREAS, a Proposal Selection Committee made up of representatives from the Western New York Stormwater Coalition was assembled to evaluate the proposals and collectively select a recommended consultant to complete the work; and

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WHEREAS, the Proposal Selection Committee concluded its review of proposals submitted for Stormwater Management Program Software Provider and recommends entering into an agreement with CBI Systems, Ltd. of Beaumont Texas to provide “MS4 Permit Manager” software to up to 45 municipalities and perform the other related work; and

WHEREAS, it is necessary to enter into a contract with CBI Systems, Ltd. of Beaumont Texas for \$125,000 to purchase the “MS4 Permit Manager” software for up to 45 municipalities and perform the related software support work, including installation and set up of the software, staff training and technical support in order to meet this workplan objective.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to enter into an agreement with CBI Systems, Ltd. of Beaumont Texas to use an amount not to exceed \$125,000 from the Capital Project Budget No. A.00251 to purchase the “MS4 Permit Manager” software for up to 45 municipalities and perform the related software support work, including installation and set up of the software, staff training and technical support, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget and Management; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.
 (4-0)

10. COMM. 16E-28 (2007)

COUNTY EXECUTIVE

WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, the former Bethlehem Steel site in Lackawanna is now owned by Tecumseh Redevelopment Inc. and that Tecumseh Redevelopment Inc., the City of Lackawanna and the County of Erie entered into a Memorandum of Understanding on April 12, 2005 to work cooperatively toward the goal of the redevelopment of this under utilized site; and

WHEREAS, the County of Erie, City of Lackawanna, Lackawanna Community Development Corporation, Erie County Industrial Development Agency, South Buffalo Railway, Gateway Trade Corporation and Tecumseh Redevelopment Incorporated have and continue to work cooperatively toward achieving the redevelopment of the former Bethlehem Steel site; and

WHEREAS, railroad tracks adjacent to Route 5 must be relocated prior to the start of redevelopment of this property; and

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WHEREAS, the Erie County Industrial Development Agency has extensive experience in contracting with consultants and contractors specializing in railroad development and with utilizing NYS Multi-Modal funds for this type of work; and

WHEREAS, the County of Erie has under contract with the New York State Department of Transportation, through the Multi-Modal II Program, \$2 million to be utilized specifically for rail related work on the former Bethlehem Steel site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the Erie County Industrial Development Agency, Lackawanna Community Development Corporation, City of Lackawanna, South Buffalo Railway; Tecumseh Redevelopment Inc., Gateway Trade Center, New York State Department of Transportation and other state and federal agencies, and consultants in amounts not to exceed a total of \$600,000, for the purpose of design, engineering and site preparation for the construction related to railroad work on the former Bethlehem Steel site; and be it further

RESOLVED, that the source of these funds shall be \$600,000 available in the New York State Multi-Modal II Program, PIN ME2028.30A, Contract DO21051; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(4-0)

11. COMM. 16E-36 (2007)

COUNTY EXECUTIVE

WHEREAS, New York State Electric and Gas Corporation has requested use of a ten feet by twenty-five feet area of County land, SBL 175.06-1-12 for the installation of a power pole; and

WHEREAS, a Revocable Permit is recommended for New York State Electric and Gas Corporation to use the property; and

WHEREAS, this Revocable Permit will have no negative effect on the ability of Erie County Sewer District No. 8 to operate and maintain sewer related operations; and

WHEREAS, the granting of this Revocable Permit will bear no cost to the County.

NOW, THEREFORE, BE IT

RESOLVED, that a Revocable Permit for use of a ten feet by twenty-five feet area on Parcel SBL No. 175.06-1-12 be granted to New York State Electric and Gas Company; and be it further

RESOLVED, that the County Executive be authorized to sign said Revocable Permit subject to approval by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning; and one certified copy to the County Executive; the Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.

(4-0)

12. COMM. 16E-37 (2007)

COUNTY EXECUTIVE

WHEREAS, Storm Sewer Rules and Regulations, Erie County Sewer District No. 6 require adoption to meet new federal requirements; and

WHEREAS, the amended Rules and Regulations have been prepared by the Department of Environment and Planning in consultation with the County Attorney's Office; and

WHEREAS, the amended Rules and Regulations have been distributed for comments pursuant to State Environmental Quality Review Act requirements and comments received have been adequately addressed; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 6 has recommended approval of the amended Rules and Regulations and requests their adoption; and

WHEREAS the County Legislature is empowered to adopt these Rules and Regulations pursuant to Article 5-A, Section 264 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby adopts the Storm Sewer Rules and Regulations, Erie County Sewer District No. 6 as submitted by the Department of Environment and Planning for the operation of the Erie County Sewer District No.6 effective immediately; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning; and one copy each to the Erie County Comptrollers Office; Gregory Dudek, Assistant County Attorney and to the Director of Budget and Management.

(4-0)

13. COMM. 16E-38 (2007)

COUNTY EXECUTIVE

WHEREAS, the City of Lackawanna (City), is repaving portions of Albright Court within the City; and

WHEREAS, the City will undertake the entire project and Erie County, through Erie County Sewer District No. 6, will reimburse the City for sanitary sewer materials in an amount not-to-exceed \$8,000.00; and

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WHEREAS, there are sufficient funds available in the 2007 Operating Budget to finance this project; and

WHEREAS, the City and Erie County desire to provide sanitary sewer service to portions of Albright Court where sanitary sewer service does not currently exist; and

WHEREAS, the City and Erie County agree to construct a sanitary sewer extension to provide service to the currently non-serviced properties; and

WHEREAS, the Erie County/Erie County Sewer District No. 6 and the City of Lackawanna desire to enter into an Agreement to coordinate and facilitate the sanitary sewer extension in order to achieve cost containment and efficiency and expedite the project.

NOW, THEREFORE, BE IT

RESOLVED, that an Agreement between the County, on behalf of Erie County Sewer District No. 6 and the City of Lackawanna to extend the sanitary sewers along Albright Court is hereby approved; and be it further

RESOLVED, that an Agreement between the County, on behalf of Erie County Sewer District No. 6 and the City of Lackawanna to reimburse the City for the material costs not-to-exceed \$8,000, for the sanitary sewer extension is hereby approved; and be it further

RESOLVED, that the Division of Sewerage Management is authorized to allocate \$8,000 from the Erie County Sewer District No. 6's 2007 Operating Budget for materials, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said Intermunicipal Agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.

(4-0)

14. COMM. 16E-39 (2007)
COUNTY EXECUTIVE

WHEREAS, the 2007 Budget for Erie County Sewer District No. 3/8 contains sufficient funds for payment of a Sewer District Utility vehicle budgeted last year; and

WHEREAS, when the bid for the vehicle was received late in 2006, it was unable to get through the SAP system in a timely manner; and

WHEREAS, as the vendor will hold his price at last year's bid, it is imperative the vehicle be purchased this year for use in the District; and

WHEREAS, funds are available in the 2007 Budget under the Unanticipated Account.

NOW, THEREFORE, BE IT

RESOLVED, that the following amount be transferred as follows:

	<u>Cost Center</u>	<u>Account</u>	<u>Amount</u>
FROM:	1831010	561410	(\$25,000)
TO:	1831010	561440	\$25,000

and any other adjustments in the Operating Fund if required by the Budget Office; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and James Hartman, Director, Budget and Management.

(4-0)

15. COMM. 17E-8 (2007)

COUNTY EXECUTIVE

WHEREAS, the Riverview Industrial Center, 5335 River Road in the Town of Tonawanda is an abandoned petroleum tank farm and brownfield site that presents a blighting influence on the waterfront and a health and safety risk to the community; and

WHEREAS, the Town of Tonawanda and Erie County collaborated to obtain a US Environmental Protection Agency grant to allow a Phase I environmental review to be performed for the site; and

WHEREAS, that Phase I environmental review documented an over fifty year usage of this property as a petroleum tank farm with 12 tanks in use at times and recommended further intrusive investigation into the site to determine levels and extent of contamination; and

WHEREAS, the County of Erie is interested in working together to develop information on the condition of this site and costs of remediation for the 26 acre site; and

WHEREAS, after thorough consideration of the various aspects of the Riverview Industrial Center site and study of available data, the County of Erie has determined that certain work, as described in the application and attachments is desirable, is in the public interest and is required in order to implement the project ; and

WHEREAS, the New York State Department of Environmental Conservation Environmental Restoration Grant Program provides a 90% reimbursement for eligible project costs for investigation and remediation of publicly owned brownfield sites; and

WHEREAS, article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental restoration projects by means of a contract and the Municipalities deem it to be in the public interest and benefit under this law to enter into a contract therewith; and

WHEREAS, the County may take title to the Riverview Commerce Center, 5335 River Road site in order to carry out the anticipated investigation, remediation and redevelopment activities.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to act in behalf of the County in all matters related to State assistance under Article 56, Title 5. The County Executive is also authorized to make application, execute the State Assistance Contract, submit project documentation, and otherwise act for the County in all matters related to the Project and to State assistance; and be it further

RESOLVED, that the County Executive is authorized to place this property in a Temporary Incidence of Ownership status and to foreclose on the property if necessary for entering into the remediation phase of this project; and be it further

RESOLVED, that the Budget Office, Comptroller's Office and Department of Environment and Planning are authorized to transfer \$2,220.61 from the Excelsior Steel Ball remediation project, and \$47,779.39 from unspent funds from the Definity Training project currently under contract to the Workforce Investment Board and Workforce Development Consortium, and to create a new account of \$50,000 for costs associated with the investigation and remediation of the Riverview Industrial Center at 5335 River Road, Town of Tonawanda; and be it further

RESOLVED, that the County agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; and be it further

RESOLVED, that one (1) certified copy of this Authorization be prepared and sent to the Albany office of the New York State Department of Environmental Conservation together with the Application for State Assistance; and be it further

RESOLVED, that this Authorization take effect immediately; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning and the County Attorney.
(4-0)

**THOMAS J. LOUGHRAN
CHAIRPERSON**

MR. LOUGHRAN moved to approve Item No. 2. MS. WHYTE seconded.

CHAIRPERSON MARINELLI directed that a roll-call vote to be taken.

MEETING NO. 18
OCTOBER 11, 2007

ERIE COUNTY LEGISLATURE

AYES: MILLS, RANZENHOFER, WEINSTEIN, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: None. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

MR. LOUGHRAN moved to amend Item No. 3. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

- **DELETE THE RESOLUTION IN ITS ENTIRETY AND REPLACE WITH THE FOLLOWING:**

RESOLUTION NO. _____

RESOLUTION DATED _____, 2007

RESOLUTION APPROVING THE EXTENSION OF ERIE COUNTY
 SEWER DISTRICT NO. 3 AND MAKING OTHER DETERMINATIONS
 IN CONNECTION THEREWITH

(Introduced) _____, 2007.

(Adopted) _____, 2007.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 13, 2007, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost contains (i) a description of the proposed boundaries of the area which the Department in its judgment considers will be

benefited by the Proposed Extension, (ii) a description of the areas of the Proposed Extension to permit definite and conclusive identification of all parcels of property included therein, (iii) the proposed location of facilities of the Proposed Extension, and (iv) estimates of the cost of construction, reconstruction, if any, or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, the proposed extension includes the acquisition from the Wanakah Sewer District of the all sewer facilities, including pipes, manholes, pumping stations and force mains and other facilities of such sewer district; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the acquisition of the existing facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the establishment of the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$314.00; and

WHEREAS, said County Legislature duly adopted Resolution No. 189 on the 12th day of July, 2007, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid extension of Erie County Sewer District No. 3 in accordance with the aforesaid map and plan, and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have given due consideration to the impact that the extension of Erie County Sewer District No. 3 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor , Buffalo, New York, in said County, on the 29th day of August, 2007, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the public hearing held on August 29, 2007, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 3.

Section 2. The extension of Erie County Sewer District No. 3 is hereby approved and said extension shall be known as "The Wanakah Sewer District Extension," and shall comprise an area described as follows:

TOWN SEWER DISTRICT NO. 3 (WANAKAH)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg County of Erie, State of New York, and being parts of Lot 39 and Lot 42 Township 9, Range 8 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point on the west line of Lot No. 42 where it intersects the center line of Old Lake Shore Road, said point also being on the east right-of-way of Lakewood Drive (66' wide) extended north; thence north along the west line of Lot 42 a distance of 110± feet to a point at the waters edge of Lake Erie; thence northeasterly along the waters edge of Lake Erie a distance of 9,531± feet to a point that intersects the extension north of the west line of Map Cover 1206, said point being the northeast corner of SBL 169.19-13-5 as described in Liber 10135 page 261, and also being the west line of Cloverbank Town District No. 4; thence southerly along said extension line, south along said west line of Map Cover 1206, south along the southerly extension of said west line

of Map Cover 1206 a distance of 2721± feet to a point on the northwesterly property line of lands owned by Niagara Mohawk Power Company, SBL 181.10-1-9, as described in Liber 6051, page 20, said point being the southeast corner of SBL 181.07-2-12 as described in Liber 11094 page 6912 and also being the southeast corner of subdivision Lot No. 17, Block No. 4 of Map Cover No. 643; thence southwesterly along said northwesterly line of Niagara Mohawk Power Company a distance of 7028± feet to the southeast corner of SBL 181.13-4-31 as described in Liber 7154 page 177; thence westerly along the south line of SBL 181.13-4-31 and its extension a distance of 1653± feet to a point on the west line of West Lane (50' wide), said point also being at the southeast corner of SBL 180.20-1-10 as described in Liber 6502 page 467 and also being the southeast corner of subdivision Lot No. 58 of Map Cover No. 1960; thence continuing westerly along the south line of said Map Cover 1960 a distance of 680.09± feet to a point at the southwest corner of Map Cover 1960, said point also being the southwest corner of SBL 180.20-1-1 as described in Liber 6424 page 405 and also being the southwest corner of Sublot No. 43 of said Map Cover 1960; thence north along the west line of said Map Cover 1960 and its extension north a distance of 2471± feet to the point or place of beginning.

Section 3. There will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 4. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption

hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

MR. LOUGHRAN moved to approve Item No. 3 as amended. MS. GRANT seconded.

CHAIRPERSON MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: None. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

LEGISLATOR RESOLUTIONS

Item 34 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 18-1 from RANZENHOFER Re: Support the Revocation of LL No.2-2006

Item 35 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 248

RE: Downtown Pedestrian/Transit Mall Special District (INTRO 18-2)

A RESOLUTION SUBMITTED BY LEGISLATOR BARBARA MILLER-WILLIAMS

WHEREAS, the Erie County Legislature approved Local Law No.8 -1984, establishing a Downtown Pedestrian/Transit Mall Special District; and

WHEREAS, the Erie County Legislature approved on December 19, 1985, a resolution authorizing the County Executive to enter into agreement with Downtown Buffalo Management Corporation, now known as Buffalo Place Inc. (BPI), designating Buffalo Place, Inc. as the Not-For-Profit Corporation with which Erie County shall contract for the performance of Mall Special District Services, for which annual contracts were executed in 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007; and

WHEREAS, the said Local Law required that the Mall Corporation present an Annual Budget to the Legislature regarding the amount to be raised by Mall District Special Charges; and

WHEREAS, pursuant to the said Local Law, Buffalo Place, Inc. held a Public Hearing, on due notice to property owners within the District, regarding the proposed 2008 Annual Budget on September 25, 2007.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby determine that the total amount to be raised by Mall District Service Charges in 2008 shall be the sum of \$1,248,662 as contained in the attached Budget which shall be a part of this Resolution, which amount does not exceed 80% of the service charges that could be assessed or levied against properties in the District; and be it further

RESOLVED, that the County of Erie be and hereby is authorized to enter into agreement with Buffalo Place Inc., the Not-For-Profit Corporation described in Section 9 of Erie County Local Law No. 8-1984, providing for the performance by Buffalo Place Inc. of the Mall Special Services set forth in Section 8 of said Local Law; the payment to Buffalo Place Inc. of the proceeds of the Mall Special District charges, less administrative costs, to be used by Buffalo Place Inc. in providing Mall Special District Services; and such other terms and conditions as to the County Attorney appear necessary or appropriate for the implementation of the Erie County Local Law No. 8-1984 and Chapter 673. of the Laws of 1982; and be it further

RESOLVED, that the Erie County Commissioner of Finance shall, not later than November 16, 2007, cause to be established a Mall District Special Charge Roll apportioning the amount herein above determined to be raised by Mall District Special Charges for 2008 in conformance with the formula set forth in Section 7 of Erie County Local Law No. 8-1984 using the latest available final General or Special Assessment Roll prepared by the City of Buffalo; and be it further

RESOLVED, that Certified Copies of this Resolution in its final form be forwarded to the Erie County Executive, the Mayor of the City of Buffalo, the Chairman and the Executive Director of Buffalo Place, Inc., and the Erie County Commissioner of Budget and Management.

Item 36 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 249

RE: Legislature Personnel Adjustment, District Office Staff, 13th District (INTRO 18-3)

**A RESOLUTION SUBMITTED BY
MARINELLI & MILLS**

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature does hereby make the following technical budget amendments to be the Legislature's 2007 Adopted Department Budget, all of which can be effectuated while keeping within the Legislature's Adopted appropriation for 2007:

EFFECTIVE: October 15, 2007

Fund Center 100 Cost Center 1005017 District Office Staff

DELETE (1) Administrative Clerk RPT (Position Number 51004201, JG 7 Step 4); and

DELETE (1) Administrative Clerk PT (Position Number 51004138, JG 7 Step 4); and

REPLACE with (1) Administrative Clerk Full-Time (JG 7 Step 4) effective October 15, 2007

Item 37 – MR. REYNOLDS moved to send INTRO 18-4 to the FINANCE & MANAGEMENT COMMITTEE. MS. WHYTE seconded.

CHAIRPERSON MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: GRANT, KONST, LOCKLEAR and MARINELLI. (AYES: 11; NOES: 4)

CARRIED.

INTRO 18-4 from LOUGHRAN Re: Resolution Requesting ECFSA to Verify Cost Savings

Item 38 - MR. REYNOLDS moved to send INTRO 18-6 to the FINANCE & MANAGEMENT COMMITTEE. MR. KOZUB seconded.

CHAIRPERSON MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: GRANT, KONST, LOCKLEAR and MARINELLI. (AYES: 11; NOES: 4)

CARRIED.

INTRO 18-6 from MARINELLI Re: Approval of Request for the ECFSA to Undertake Financing of 2007 Erie County Capital Borrowing

Item 39 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 18-7 from REYNOLDS & WHYTE Re: ECFSA Actions Regarding the Proposed Tax Lien Sale

Item 40 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 250

RE: Opposition to Abandonment of Roads by
 NYS Dept. of Transportation (INTRO 18-8)

**A RESOLUTION SUBMITTED BY
 LEGISLATORS MARINELLI AND KENNEDY**

WHEREAS, on July 17, 2007 the Erie County Department of Public Works was notified by the Regional Director of the State of New York, Department of Transportation (DOT), that the State intends to abandon a portion of US Route 219 and one-half of the bridge (BIN 1041590) over the Cattaraugus Creek to Erie County and the other half of the bridge will be abandoned to Cattaraugus County; and

WHEREAS, the Route 219 length of road to be abandoned is 2.57 center line miles long and the bridge is a major bridge at 652 foot long; and

WHEREAS, in addition, the State intends to transfer ownership of a small section of access road, on Grand Island, to the County; and

WHEREAS, New York State Law allows the State's DOT's to shed duplicate routes, the new Route 219 extension and the existing Route, because it will place an undue maintenance burden on the State; and

WHEREAS, in the past, Erie County has been made the recipient of the area's unwanted roads and bridges to the extent that Erie County now has more center line miles of roads (1177) to maintain than any other county in New York State; and

WHEREAS, Erie County has 1/3 more miles of road than the second-place county (Onondaga at 794) and Erie County is number three in the state with the number of bridges it is responsible for (283); and

WHEREAS, the State's action does not take into consideration the potential public safety issue as the County is not equipped to maintain a 652 foot long major bridge - which greatly exceeds the length of the average county bridge which is only 83 feet long; and

WHEREAS, the Route 219 bridge has a deck truss design similar to the bridge which recently collapsed unexpectedly in Minneapolis which presents questions of long-term fiscal costs to Erie County for maintenance of the bridge; and

WHEREAS, what is an undue maintenance burden for the State is a totally unacceptable maintenance burden for Erie County and this action is another version of a unfunded State mandate which leads to fiscal instability and higher taxes on the county level, and

WHEREAS, the Erie County Executive has also submitted a resolution echoing these sentiments.

NOW, THEREFORE, BE IT,

RESOLVED, that this Legislature finds that the plan to abandon a portion of US Route 219 and one-half of the bridge (BIN 1041590) over the Cattaraugus Creek to Erie County does not take into consideration the safety of maintenance-workers and motorists or the undue fiscal costs to Erie County taxpayers, and be it further,

RESOLVED, that this Honorable Body calls upon the Governor, New York State Department of Transportation Commissioner, local State Delegation and area Congressmen, to take whatever action necessary to stop this abandonment of two state roads and a bridge to Erie County, and be it further,

RESOLVED, one certified copy each, of this resolution be forwarded to the Governor, New York State Department of Transportation Commissioner, local State Delegation and area Congressmen, Office of the Commissioner of Public Works; the County Executive; the County Attorney, Office of the Comptroller, the Erie County Fiscal Stability Authority, the Chairperson of the Cattaraugus County Legislature -Crystal J. Abers (303 Court St, Little Valley NY 14755), and the Cattaraugus Commissioner of Public Works – David Rivet (8810 Route 242, Little Valley NY 14755).

MS. WHYTE moved to amend the item for Et Al Sponsorship. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the item as amended. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Item 41 – MR. KENNEDY presented the following resolution and moved for immediate consideration. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 251

RE: Supporting the Buffalo Bills Parking Plan
for People with Disabilities (INTRO 18-5)

**A RESOLUTION SUBMITTED BY
LEGISLATOR KENNEDY**

MR. KENNEDY moved to amend the item. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the Buffalo Bills and Ralph C. Wilson Stadium have provided appropriate parking for all fans since the stadium opened, a policy that has always worked well for all, and has been recognized for its inclusiveness to those who require close proximity parking to the stadium; and

WHEREAS, in a progressive and proactive effort to enhance their parking policy for patrons with disabilities, Buffalo Bills officials worked closely with the Erie County Office for the Disabled and the United Spinal Association to increase accessibility by designating an entire lot which opened on August 17, 2007; and

WHEREAS, this new Buffalo Bills parking policy for patrons with disabilities has caused some unwarranted controversy due to several misleading stories in the media which include reports that the new parking plan moves all vehicles with the designated permits into a single lot, when in fact parking for patrons with disabilities still exists in other locations where it has been available in the past; and

WHEREAS, not only is the new parking design at Ralph C. Wilson Stadium in compliance with the Americans With Disabilities Act, but the new parking plan offers additional services which go above and beyond federal and state accessibility requirements so customers and fans have the best services possible; and

WHEREAS, these additional services include, but are not limited to, providing help to disabled patrons going into the stadium, the hiring of four Erie County Sheriff Deputies to cut down on the abuse of the designated parking zones, and having Emily Kaznica, director of the Erie County Office for the Disabled, working directly onsite to oversee game day operations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record in support of the new parking plan for individuals with disabilities provided by the Buffalo Bills at Ralph C. Wilson Stadium; and be it further

RESOLVED, that this Legislature notes how the new parking arrangement provides more services to the public and exceeds the requirements provided by the Americans with Disabilities Act; and be it further

RESOLVED, that this Legislature respectfully requests the local media to recognize the fact that this new parking arrangement does not take accessible parking spaces away that were provided before; and be it further

RESOLVED, that this Legislature urges an "Open Dialogue" with all stakeholders involved to ensure clarity while hoping that any misunderstanding can be remedied; and be it further

RESOLVED, that this Legislature extends an invitation, in a spirit of goodwill, mutual respect and constructive dialogue to all parties involved for a possible future meeting of the Economic Development Committee to discuss this important matter in detail; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Buffalo Bills (1 Bills Dr. Orchard Park, N.Y. 14127), United Spinal Association (33 Leocrest Ct. West Seneca, N.Y. 14224), WNY Independent Living Project (3108 Main St. Buffalo, N.Y. 14214-1384), and the Erie County Office for the Disabled (Rath Bldg. Buffalo, N.Y. 14202).

MR. KENNEDY moved to amend the item for Et Al Sponsorship. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

MR. KENNEDY moved to approve the item as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 42 – MS. WHYTE moved to discharge COMM. 14E-17 from the ECONOMIC DEVELOPMENT COMMITTEE. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 252

RE: Erie County Highway Facilities - 2007 –
Storage Building Reconstruction

WHEREAS, the Department of Public Works has condemned two of the Highway Storage Buildings, one each located at Hamburg and East Concord facilities during the past year, and

WHEREAS, these buildings were condemned due to unsafe structural conditions, one building partially collapsed during the October 2006 storm and the other was being held up by 2X4 wood braces, and

WHEREAS, the Department of Public Works is designing replacement storage buildings to be constructed at the same facilities, and

WHEREAS, these storage buildings need to be built prior to inclement winter weather arriving, and

WHEREAS, the last legislative meeting prior to summer recess is July 19, 2007, and

WHEREAS, the Department of Public Works is requesting approval from your Honorable Body that the County Executive be authorized to enter into contracts with the lowest responsible bidders, and

WHEREAS, the Department of Public Works will notify your Honorable Body of the bid results and contracts awarded, and

WHEREAS, your Honorable Body previously approved a General Architectural/Engineering agreement with the firm of Lauer-Manguso & Associates, Architects for providing General Architectural/Engineering Services on a project-by-project basis.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts with the lowest responsible bidders for an amount not to exceed \$410,000.00, and be it further,

RESOLVED, that the sum of \$39,740.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the contingency, and be it further,

RESOLVED, that deduct change orders will result in these funds being returned to the contingency funds, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a Supplemental Agreement to Lauer-Manguso & Associates, Architects for providing design services for the replacement of the storage buildings for an amount not to exceed \$50,000.00, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the following accounts:

A.00042	'02 Improvements to Various County Buildings	\$479,952.00
A.00065	'03 Improvements to Various County Buildings	<u>\$ 19,788.00</u>
Total payments not to exceed:		\$499,740.00

and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.

Item 43 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 14E-40. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 253

RE: CPS/Emergency Services - Proposed Resolution to Accept \$1,425,066 in Urban Area Security Initiative Funds from the NYS Office of Homeland Security

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WHEREAS, since 2004 Erie County has been a participant in the Department of Homeland Security (DHS) Grant Program receiving funding under their Urban Area Security Initiative Program (UASI), and

WHEREAS, in 2007, DHS awarded Erie County \$ 1,425,066 in UASI funding, and

WHEREAS, this grant funding will continue the work of building sustainable capacity to prevent, respond to and recover from acts of terrorism, threats of terrorism or natural disasters in this region.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the State of New York Office of Homeland Security (OHS) to accept \$ 1,425,066 in UASI funds, and be it further

RESOLVED, that the County Executive is authorized to enter into agreements with various municipalities, vendors, contractors and/or consultants as called for in the UASI Grant for the provision of services, supplies and equipment as necessary for program implementation, and be it further

RESOLVED, that authorization is hereby provided to establish the grant budget as follows:

Department of Central Police Services
Grant: HS165UASIF060708

<u>Revenue</u>	<u>Increase</u>
Acct. 409000 State Aid	\$1,425,066
<u>Appropriations</u>	<u>Increase</u>
Acct. 500000 Personnel	\$ 178,572
Acct. 502000 Fringe Benefits	69,088
Acct. 505000 Office Supplies	4,000
Acct. 510100 Out of Area Travel	8,000
Acct. 516020 Prof. Services Contracts	120,000
Acct. 561410 Lab & Tech Equipment	<u>1,045,406</u>
 Total Appropriations	 \$1,425,066

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to facilitate the implementation of this grant, and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to prepare and provide certified copies of this resolution to the Erie County Executive; the Office of the Comptroller, the Division of Budget and Management and the Department of Central Police Services.

MS. WHYTE moved to amend the item. MR. KENENDY seconded.

CARRIED UNANIMOUSLY.

After the Third Resolve Clause insert:

RESOLVED, that under no circumstances will the funds accepted under this resolution be used to purchase, lease or acquire any state-wide wireless network (SWN) related equipment until the primary regional build out test, which is currently under a ninety (90) day moratorium, is completed and New York State SWN has determined whether to proceed with their project and the subsequent approval by the Erie County Legislature for such expenditures; and be it further

MS. WHYTE moved to approve the item as amended.

MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 44 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 254

RE: CPS/Emergency Services - Authorization for County Executive to Enter Intro Contract with NYS OHS to Accept \$612,220 in Federal Homeland in Federal Homeland Security Funding (COMM. 14E-42)

WHEREAS, since 2004 Erie County has been a participant in the Department of Homeland Security (DHS) Grant Program receiving funding under their Law Enforcement Terrorism Prevention Program (LETPP), and

WHEREAS, in 2007, DHS awarded Erie County \$612,220 in LETPP funding, and

WHEREAS, this grant funding will continue the work of building sustainable capacity to prevent, respond to and recover from acts of terrorism, threats of terrorism or natural disasters in this region.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the State of New York Office of Homeland Security (OHS) to accept \$612,220 in LETPP funds, and be it further

RESOLVED, that the County Executive is authorized to enter into agreements with various municipalities, vendors, contractors and/or consultants as called for in the LETPP Grant for the

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provision of services, supplies and equipment as necessary for program implementation, and be it further

RESOLVED, that the following LETPP FFY 2006 Grant is authorized in the following amounts:

_____ Information System Analyst-salary	\$ 44,541
_____ Information System Analyst-fringe	18,262
516020 Professional Services Contract	113,052
561410 Lab & Tech Equipment	140,000
_____ Utilities -wireless aircards	265,000
_____ M&A-overtime for program admin	15,169
_____ M&A- fringe for OT	6,196
Total federal revenue	(\$612,220)
Total Expense	\$612,220

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to facilitate the implementation of this grant, and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to prepare and provide certified copies of this resolution to the Erie County Executive; the Office of the Comptroller, the Office of the Sheriff, the Division of Budget and Management and the Department of Central Police Services.

MS. WHYTE moved to amend the item. MR. KENNEDY seconded

CARRIED UNANIMOUSLY.

After the Third Resolve Clause insert:

RESOLVED, that under no circumstances will the funds accepted under this resolution be used to purchase, lease or acquire any state-wide wireless network (SWN) related equipment until the primary regional build out test, which is currently under a ninety (90) day moratorium, is completed and New York State SWN has determined whether to proceed with their project and the subsequent approval by the Erie County Legislature for such expenditures; and be it further

MS. WHYTE moved to approve the item as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 45 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

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GRANTED.

COMM. 18E-17 from the COUNTY EXECUTIVE Re: 2008 Budget Schedule

Received, Filed and Printed.

October 9, 2007

Lynn M. Marinelli, Chair
 Erie County Legislature
 92 Franklin Street
 Buffalo, New York 14202

Dear Lynn:

After careful discussion among the members of the Finance, Management and Budget Committee, we have developed the following schedule for handling the 2008 Proposed Budget in our committee.

October 15, 2007	Receipt of Budget from County Executive
October 18, 2007	Special Session to refer budget to Finance, Management & Budget Committee
October 30, 2007	Presentation of Budget to Committee by Budget Director
November 12-16, 2007	Departmental Budget Presentations to Committee
November 20, 2007	Public Hearing Erie County Hall at 5:00 pm
November 26-28, 2007	Departmental call-backs, if necessary
November 30, 2007	Special Session to Approve 2008 Budget

Thank you in advance for your attention to this very important matter.

Sincerely,

Robert Reynolds, Chair
 Finance, Management & Budget Committee

Cc: Legislator Maria Whyte
 Legislator Kathy Konst
 Legislator Barbara Miller-Williams
 Legislator John Mills

Item 46 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

MR. WEINSTEIN objected.

INTRO 18-9 from MARINELLI, KONST, MAZUR & LOCKLEAR Re: Joining County Clerk Hochul in Opposition to Governor's Policy Regarding Illegal Immigrants Obtaining NYS Drivers Licences

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 47 – MR. MILLS moved for a Suspension of the Rules to include an item not on the agenda.

MS. WHYTE objected.

INTRO 18-10 from RANZENHOFER, MILLS, WEINSTEIN & KONST Re: Opposing Implementation of Plan To Allow Illegal Aliens to Obtain NYS Drivers Licenses

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 48 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 255

RE: External Quality Review - Erie County
Comptroller's Office Division of Audit and
Control (COMM. 18E-1)

WHEREAS, under U.S. Government Accountability Office Government Auditing Standards, the Erie County Comptroller's Office is required to conduct an external quality review of its Division of Audit and Control, and

WHEREAS, the last such review of the Division of Audit and Control was completed in February 2004 for the period January 1, 1999 to December 31, 2002, and

WHEREAS, on February 14, 2007, this office released a request for proposals and disseminated such request to thirty eight (38) local accounting firms, and

WHEREAS, upon the close of the response period on March 30, 2007, four (4) firms had responded, and

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WHEREAS, following a review of the responses from Deloitte & Touche (\$42,000 plus expenses); RSM McGladrey/Freed Maxick & Battaglia (\$17,500); Buffamante Whipple Buttafaro (\$13,500); and The Bonadio Group (\$10,000), our office selected The Bonadio Group, and

WHEREAS, The Bonadio Group has completed its work on the peer review for the period January 1, 2003 to December 31, 2005 and will be delivering its report to our office by October 1, 2007, and

WHEREAS, pursuant to Section 19.08 of the Erie County Administrative Code, legislative approval of an engagement letter with The Bonadio Group is necessary in order to pay the vendor.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the Erie County Comptroller's engagement of and payment to The Bonadio Group for their external quality review of the Comptroller's Division of Audit and Control at a cost of \$10,000, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Erie County Comptroller, and Director of Budget, Management and Finance.

FROM THE COUNTY EXECUTIVE

Item 49 – (COMM. 18E-2) Request for Authorization to Submit Request to ECFSA for 2007 Capital Borrowing

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR WHYTE

Item 50 – (COMM. 18E-3) Request to Appoint John Calvin Davis Clerk of the Government Affairs Committee

Received, Filed and Printed.

October 4, 2007

Chair Lynn Marinelli
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Lynn:

Please accept this letter as my formal request to have John Calvin Davis appointed to serve as Clerk for the Government Affairs Committee.

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Thank you for your consideration of my request.

Sincerely,

Maria R. Whyte
Legislator-6th District

FROM LEGISLATOR LOCKLEAR

Item 51 – (COMM. 18E-4) Copy of Letter to Michael Mullins Re: Political Contribution to Locklear Campaign

Received and filed.

FROM THE COMPTROLLER

Item 52 – (COMM. 18E-5) Federal Financial Assistance Audit Report For FY Ended 12/31/06

Item 53 – (COMM. 18E-6) Apportionment and Distribution of Net Collections From the Local Four and Three Quarter Percent Sales and Compensating Use Tax

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 54 – (COMM. 18E-7) Acceptance of Letter of Resignation of Robert Lichtenthal from ECWA

Received, Filed and Printed.

September 28, 2007

Robert J. Lichtenthal, Jr., Commissioner
Erie County Water Authority
295 Main St., Room 350
Buffalo, NY 14203-2494

Dear Commissioner Lichtenthal:

I have received your letter of resignation as Commissioner of the Erie County Water Authority.

I wish to thank you for your service to the Authority.

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The extension of Authority services and the lowering of operational costs during your tenure are both praiseworthy.

I also congratulate you on being appointed the Authority's Deputy Director.

Sincerely

Lynn Marinelli, Chair
 Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 55 – (COMM. 18E-8) Sewerage Management - Graphic Design and Printing Services Agreement - Sangini.com - Studio i5

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 56 – (COMM. 18E-9) DPW - Reallocation of Existing Funds within the Division of Building & Grounds - Rental Charges to Maintenance & Repair

Item 57 – (COMM. 18E-10) DPW - Energy Services Consultant - Award of Contract to C.J. Brown Energy

Item 58 – (COMM. 18E-11) DPW - Public Safety Campus - Phase 1 - Architect/Engineer Fee Increase

The above three items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 59 – (COMM. 18E-12) ECSD No. 2 - 2007 Budget - Debt Service Fund - Transfer of Fund

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 60 – (COMM. 18E-13) PILOT Agreement for A.D. Price Apartments

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 61 – (COMM. 18E-14) STOP-DWI Reallocation to Probation

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 62 – (COMM. 18E-15) Senior Services - Authorization to Amend the Administration and Support Cost Center and the POMP, CSE and EISEP Grant Budgets

Received and referred to the HUMAN SERVICES COMMITTEE.

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Item 63 – (COMM. 18E-16) ECSD Nos. 1-6 & 8 - Construction Inspection Service Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM BUDGET, MANAGEMENT & FINANCE

Item 64 – (COMM. 18D-1) Testimony Presented to the Budget and Management Committee Presented by James Hartman

Item 65 – (COMM. 18D-2) 2008 Revenue Estimates

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM A LEGISLATURE AIDE

Item 66 – (COMM. 18D-3) Relay of Message from Charles Griffasi to Appear Before Community Enrichment Committee

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE LACKAWANNA CITY COUNCIL

Item 67 – (COMM. 18M-1) Resolution Supporting Dedication of County Forest Lands as Parklands

Received and filed.

FROM THE GRAND ISLAND TOWN BOARD

Item 68 – (COMM. 18M-2) Support Designating Legislator from the 10th District as Erie County's Representative of the Erie County Greenway Fund Standing Committee

Received and filed.

FROM ROBERT LICHTENTHAL, JR.

Item 69 – (COMM. 18M-3) Letter of Resignation as Commissioner of the Erie County Water Authority

Received, Filed and Printed.

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September 26, 2007

The Honorable Lynn M. Marinelli
Chairperson
The Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Dear Chairperson Marinelli:

Please be advised that effective midnight September 30, 2007 I will be resigning as Commissioner of the Erie County Water Authority.

It has been an honor to serve the residents of Erie County.

Sincerely,

Robert J. Lichtenthal, Jr.
Commissioner

FROM THE NIAGARA POWER PROJECT

Item 70 – (COMM. 18M-4) Standing Committee Protocols

Received and filed.

FROM BUFFALO PLACE

Item 71 – (COMM. 18M-5) 2008 Budget

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM COLUCCI & GALLAHER, P.C.

Item 72 – (COMM. 18M-6) ECMCC Board of Director Meeting Minutes for Meeting Held
9/27/07

Received and referred to the HEALTH COMMITTEE.

FROM THE BOSTON TOWN COUNCIL

Item 73 – (COMM. 18M-7) Certified Resolution Re: Erie County Road Maintenance

Received and filed.

FROM THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Item 74 – (COMM. 18M-8) NFTA Board Minutes for Meeting Held 9/27/007

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE LEGAL AID BUREAU

Item 75 – (COMM. 18M-9) Monthly Report for 9/07

Received and filed.

FROM MAXIMILLIAN G. TRESMOND

Item 76 – (COMM. 18M-10) Letter to Reynolds Re: 2008 Budget

Received and filed.

FROM THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Item 77 – (COMM. 18M-11) Notice of Board of Directors Meeting to be Held 10/15/07

Received and filed.

FROM THE NEW PHOENIX THEATRE

Item 78 – (COMM. 18M-12) Copy of Letter to ECRABB Chair Re: ECRABB Funding

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 79 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Mildred E. "Mey" Lippke

Item 80 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Ann Conrad.

Item 81 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Daniel Hannah

Item 82 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of former Buffalo Common Council Member and Board of Elections Commissioner Edward J. Mahoney

Item 83 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Adonis (Don) Dawkins

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Item 84 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Salvatore Felletta

Item 85 – Legislator Konst requested that when the Legislature adjourns, it do so in memory of Angie Davis

Item 86 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of two innocent victims of Moselle Street shooting, who were caught in the crossfire.

ADJOURNMENT

Item 87 - At this time, there being no further business to transact, Chairperson Marinelli announced that the Chair would entertain a Motion to Adjourn.

MS. WHYTE moved that the Legislature adjourn until Thursday, October 25, 2007 at 2 p.m. Eastern Standard Time. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Chairperson Marinelli declared the Legislature adjourned until Thursday, October 25 at 2 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE